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THE DECADENCE OF THE "INDIVIDUAL" IN MODERN POLITICAL THEORY*

BY

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In this article an attempt will be made to show that the concept of "individual" has dwindled into insignificance in recent times, not because of anything intrinsic or integral to political theory as such, but because of the prevalent *avenue of approach* to problems of political theory. In short, the solutions of the problems of political theory presuppose a certain bias which is anything but political. This shows the necessity of studying political theory, in order to grasp its significance and shortcomings, in the back-ground of parallel developments of thought in other directions. While appreciating the importance of objective sociological factors in influencing political thought and the importance of political thought in giving a shape to the development of political institutions, I shall confine myself in this article to the narrower problem of illustrating how a particular tendency in recent political thought is the resultant of several 'idea-forces' operating elsewhere. Just as human beings and non-human beings are influenced by the particular physical or social climate in which they live, so political ideas are to a very great extent governed by the intellectual climate or the 'sea of ideas' in which political ideas have their being like fish in water.

(1) It is probably true to say that the religious tradition by itself will increase the importance of the individual, specially that type of religion which enjoins a particular attitude of mind towards God. The gradual disappearance of this belief in the existence of God and with it that subjectivism which is a feature of developed types of religion have generated a *tradition* which has adversely affected the position of the 'individual' in modern political thought. So far as Western European thought is concerned, the advent of Christianity with its emphasis on the moral life and the dignity of man had certainly improved the status of the individual, and so long as the influence of Christianity pervaded the

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

society in those countries, political thought had to take it for granted that the 'individual' could not be suppressed by the concepts of political theory. Political thought affiliated with this type of theology must make the individual the starting point of political theory. The Edict of Milan of the Emperor Constantine in the 4th Century A.D. was a charter of toleration, and, as such, set its stamp on individuality in religious matters. Locke, who understood religion to be a matter of faith, argued for toleration, since 'faith cannot be generated by force, and this argument for toleration is an argument for individuality in matters religious. It is but a short step from the toleration of religious opinion to the toleration of all kinds of opinion as argued by Mill.

A religion of faith, such as Christianity was, cannot but inculcate the worth of individual; and this idea of personal worth was the main contribution of the Reformation in the 16th century. Possibly the contract theory's individualistic basis (*Vindiciae Contra Tyrannus*, 1579 and Althusius, 1610) is in some respects indebted to the period of Reformation with its individualism. The Reformation engendered religious wars and persecution and was responsible for the anti-monarchic doctrines in the 16th Century in which for the first time the contractual theories and their concomitant individualism were put forward. Puritanism because of its persecution by the State, generated a strong sense of individualism. From all this, may we argue, that other things being the same, the decadence of the Christian religious tradition and all that it implies has meant a like decadence in the value of the individual in modern political thought. Religion has ceased to be an issue in political thought.

(2) Secondly, we may consider the *ethical approach* to politics. In recent years, the reunion between ethics and politics has been completed by the powerful movements known by the names of Fascism and Communism; and this reunion has cut at the root of individuality. The idealist theory of State, "though it is primarily a theory of state, is also a theory of individual conduct, which declares that a man's moral life is filled up by his *station* in that system of whole which the state is." The moral life of the individual can be realized only in the state, and the state is a means to the realisation of the end, which again is the moral life. Kant and Green's approach to the problem was essentially different. In the former, ethics completely dominates politics, and the state is made a by-product, so to say, of the conception of duty as something in its nature universal. The contractual individualism of Kant received added impetus when the halo of ethics, with its content of *free-will*, and freedom as *subjective*

because dwelling in the innermost recesses of heart, began to encircle politics from all sides. Kantian method of ethical approach gave an individualistic bias to political thought. Green's clearcut demarcation between law and morality and the ethical background of his political thought with its emphasis on free-will and spontaneity, symbolised in his professorship of Moral Philosophy at Oxford, gave the individual a real status in his scheme of political thought. In one sense, contractual individualism has found its antithesis in the ethical approach to politics—the one was intensely atomistic, the other was not; but Kantian treatment has made ethical approach generate individualism, probably because he had "little idea of the corporate life of a national state" and because of the fact that he did not find a proper place for history and evolution in the scheme of socio-political thought.

The idealistic theory which equates politics with ethics is the forerunner of the conception of function. A man's moral life consists in the discharge of his specific *function* allotted to him by the state. No higher moral conception of life is conceivable. We may go further and say that both fascism and communism "enjoin upon the citizens of fascist and communist states the duty of living their lives in particular ways", and in Aristotelian terminology we may say that a good citizen is a good man and *vice-versa*. This equation of ethics with politics has struck at the root of individuality. Hegelian utilisation of the concepts of nationalism and evolution in the background of the conception of part and whole, have, as Vaughan pointed out, laid the basis of the idealistic theory, where freedom, as Barker states, is neither simply subjective and a matter of *individual* conscience, nor merely negative and *self-centred*. This idealistic equation between politics and ethics with all its implications is seen in action in modern fascist movement; and when a philosophy is translated into action, the philosopher-kings of modern times, like Plato's of old, become greater tyrants carrying all vestiges of atomism before them. It is in such context that Rousseau's famous aphorism of man being forced to be free can be appreciated. Freedom from being subjective has descended to the level of objectivism, and ethics has become more a matter of function, a kind of conduct, —the prototype of the Hindu notion of *swadharma*, than a matter of attitude of mind. This emphasis on objectivism in ethics may have been brought about by scientific objectivism and psychological behaviourism; but whatever its causative factor, the resultant is the submergence of individuality in the welter of function, conduct and objectivism. In short,

powerful modern movements like fascism and communism by uniting ethics and politics completely have endeavoured to promote in action how life is to be lived. Life is not simply a philosophy, it is an art as the early concept of *Varnasramdharma* made it to be. There is hardly any scope for individual experiments to find out one's own station in society as Laski assumes.

(3) The decadence of economic individualism in recent times is a further potent cause for the decline of individualism in political thought. The changes ushered in by the Industrial Revolution showing the unsuitability of Mercantilist ideas, the belief in a natural order and the philosophy of self-interest, Locke's theory of natural rights and Rousseau's theory of political equality as between man and man divorced from economic context, probably all these had conspired to develop the idea of economic individualism. Advocates of economic determinism in politics will of course point to the economic changes brought about by the Industrial Revolution as the sole cause of economic individuality and consequently of political individualism. The breakdown of economic individualism in modern times is a fact, though what should take its place is a matter of serious dispute. The corner-stone of economic individuality, the concept of competition, is falling to pieces, and whether it is capitalistic reconstruction or socialistic reconstruction—collectivist, syndicalist or guild-socialist, it is anything but individualistic. The emergence of the idea of planning, capitalistic or socialistic, has sounded the death-knell of economic individualism. The concept of economic planning, now a very commonplace word, probably will have the same far-reaching consequences in the domain of political thought as was the case with the concept of evolution. Planning and the 19th century individualism go ill together. This concept of planning in the economic sphere carries into its bosom certain constituent ideas, which when analysed will be found to be detrimental to the interest of individuality. Planning implies co-ordination from a single centre and as such is authoritarian. It further implies the idea of allocation of economic sources and relative valuation of goods to be produced—coarse cloths or fine cloths, cloths or trousers, pencils or fountain pens, violins or cameras, fictions or travel books etc. This is the very opposite of that spontaneous creative urge associated with individualism. Planning further gives birth to the theory of function; and it has been just now seen that this functional theory of ethics is certainly not individualistic in its 19th century sense. Planning again is infused with scientific attitude, and it will be seen, science does not take kindly to individualism. To crown

all, planning, as the epitome of rationalism, leads not to democratic individualism but rather to aristocracy, if not to dictatorship.

(4) The modern age of science with its amazing discoveries has created a mental climate in which nothing seems valuable which is not scientific. Just as in the mid-nineteenth century democratic age, it was enough condemnation if an institution was called undemocratic, similarly in this so-called scientific age, if we want to hang any dog, it will be easier to do it if we give a bad name to it, the name being unscientific. In this onrush of scientific current people generally do not stop to consider the limitation of scientific methods in the study of political phenomena. Science looks askance at individuality, its code being objectivism, conduct or behaviour; it tries to generalise by observing uniformity; it feels shy of free-will, it advocates determinism; and all this means the negation of individuality. Rationalism which is another name for science was anarchic no doubt in the period of French Revolution, but this anarchic individualism is not the essence of rationalism, because rationalism implies system, harmony, order; and individualism does not necessarily lead to harmony. Hence, the spirit of rationalism and science is the very antithesis of individualism. As an example of this domineering scientific attitude, the application of the organic metaphor to the explanation of the relation between the state and the individual to the detriment of the latter might be cited. In more recent times, the concept of power has been sought to be made the central theme in sociology, and if widely accepted will tend to further belittle the status of the individual.

(5) Speaking of science, it is but easy transition to consider the effect of scientific attitude and methodology on philosophy and psychology and then to consider the effect of philosophical and psychological climate on political theory in so far as individuality is concerned. The attempt to build up philosophy on the basis of science and scientific methodology has given birth to pragmatism; and pragmatic philosophy, with the halo of science around it, has generated pluralistic political thought which has ushered in the problem of state *vs.* group and group *vs.* group in place of the older categories of man *vs.* the state. Some writers, like Joad, have termed it, modern individualism, but the fact is that only confusion has been created by the employment of the term individualism even though qualified by the adjective "modern." The fact is that pragmatism has led to pluralism, and "plural" stands not for the plurality of individuals but the plurality of groups in place of one group, *i.e.*, the state. Scientific

philosophy has killed the whole individual by dissecting him into sections and then making over the sections to the care of groups. In the above few lines, the pressure of scientific outlook on philosophy has been hinted at; in the future, its antithesis may become prominent. Whatever may be the case, one thing is significant; it is the place of psychology in its relation to science and philosophy. Psychology is Janus-like, its one face turned towards philosophy, the other towards science, and as such it serves as a bridge between the two. The dilemma in politics, between political science and political philosophy, can be resolved, if it can be resolved at all, by invoking the aid of psychology. When science did not carry everything before it and philosophy stood to its guns, psychology, which was the meeting-point between the two, was coloured by philosophy and was essentially individualistic and introspective, concerning itself with the individual's states of mind. The changing position of science has affected the bridge of psychology and unlike that of a bridge having a double track over it, it has become a case one-way traffic only; only ideas and methodology generated from the scientific station travelling along the bridge of psychology towards the philosophy station. The scope of science is the study of nature, may it not include human nature? If yes, psychology will be a science and therefore, all the paraphernalia of scientific method are to be used. This scientific outlook has brought about the decadence of individual in psychology and since psychology holds the key position in the study of politics, any fashion which makes its appearance in psychology will be imitated in political philosophy, since it is a case of one-way traffic only. Psychology, notwithstanding its status as a bridge, is in danger of losing its philosophic and human moorings and hence its individualistic character. This impact of scientific attitude on psychology has resulted in three points of view and each has brought about the decadence of individual in psychology with corresponding decadence of individual in politics.

(a) The old individualistic psychology is giving place to social psychology with its emphasis on group consciousness. Being grounded on science it is materialistic in the sense that so-called higher phenomena in society are sought to be explained by so-called lower phenomena and this avoids the dilemma of value and hence kills individualism by being materialistic. In so far as modern social psychology puts a premium on the cult of the irrational by viewing psychology from an evolutionary and biological standpoint, to that extent individualism has been laid low, because we dare not say that dogs and cows have got their

individualities. Even if they possess some, we surely do not equate those with the individualism or individuality of political philosophy.

(b) Some social psychologists like Carl Murchison have even gone so far as to say that this concept of the individual in psychology is nothing but a bit of verbal self-deception on the part of psychologists. The ego or *aham* is an illusion. In this view, social psychology cannot but be behaviouristic, it being concerned not with the subject's experiences but with the conduct and function of the subject. Social psychology becomes physiological psychology and all talk about mind and individual is at a discount.

(c) A third school of social psychologists like Dr. Rivers wants to build up social psychology by studying objective sociology, the science of social conduct, first, Individualism is also at a discount here.

The impact of scientific methods, whether it takes us from motive to behaviour or from behaviour to motive, or which stops at behaviour, has brought about the downfall of the individual's status in psychology and correspondingly in politics. Biological politics of the 19th century and psychological politics of the 20th century have conspired against the individual, it seems.

(5) If the parentage of sociology is to be traced to biological and psychological principles—to the principles of evolution and consciousness of kind, it follows, the group will be the central theme and the psychology explaining the genesis of society as such—from the zoogenic association onwards—will be of an irrational type and consequently destructive of individuality. Again, if in objective sociology only group aspects of social phenomena are to be emphasized, because "personality on the one hand expresses itself in part through the formation of *groups*, and on the other hand, is in part produced through the influence of *groups*," then it is the group which becomes the pivot of objective sociology.

The adoption of a biological conception of social organism implies a society divided into permanent classes, each with its allotted function. This conception of allotted function is akin to the idea of status as opposed to contract and hence, is opposed to individualist pretensions. The conception of social organism leads therefore not to individualistic democracy but to fascism and socialism with their paraphernalia of plan and function. These modern movements from the ideological standpoint are doing their level best to kill old-time individualism.

The emergence of the modern science of sociology has influenced political theory from various standpoints:—(i) Politics as specialised study of sociology is bound to be affected by the methodology and content of sociology (ii) Sociology, whether it is purely objective or objective and subjective combined has adopted, if it is to be true to objectivism, scientific methods and as such, because of (i) and (ii), politics has been influenced in the direction of the decadence of individual. Again, (iii) sociology being indebted to biology and consequently to the principle of evolution treats of environmental influence in the light of evolution, and environmental influence leads not to individualism. Sociology which also tries to co-ordinate social psychology with the science of society sometimes assumes some such fundamental principles as imitation or consciousness of kind. In other words, society as a fact is sought to be explained by some such irrational fundamental trait. Hence, the cult of instinct and the cult of irrational have made their entrance to the room of political theory through the sociological back-door. This genetic view of society and state generated by sociology has killed individualism, since instinct and individualism cannot but be at loggerheads. Sociology starts with instinct, can politics, which seeks to justify the state before individuals, start with the presumption that the state is a rational association? Should we be moving from Sociology to Politics, from instinct to reason or from Politics to Sociology, trying to explain reason by reference to instinct? In this so-called scientific age, the genetic view is prevalent and reason cannot disown its parentage. Even if rationalism and individualism try to erect their proud heads, their irrational parentage does not give them peace and this is the theory of some Social Psychologists like McDougall who would look upon reason as being in the service of instinct. Reason evolves out of instinct and reason works as a slave to the instinct.

The development of the science of sociology has affected the concept of individual in another way. The state, the sociologists teach us, is one of the organs of the community, and in the dawn of communal life, the family, state and Church, cultural and economic life, the various control-systems as the sociologists say, were woven together in one texture. The social order was undifferentiated and sometimes spoken of as the state. But in process of evolution the state definitely emerged, so also the other control-systems, like the church, family or the guild. The older antithesis of state *vs.* individual does not square with the present-day facts of the social life, when the social order is highly differentiated. Individualism of the older school claims that the individual man

can be divided into two parts—one social and one individual, and the state must limit itself by this criterion. Recent sociology has shown that the so-called "individual" part of the individual man is influenced and coloured by numerous associations and in reality this "individual" part is divided into numerous sections leaving scarcely anything to the individual man. The fact is that individuality is an elusive concept and the concept of individuality is conditioned by society and probably is a product of society. Moreover, the nature of man defies division, being itself a unity.

The concept of individual in political theory assumed two forms and each of them has been successfully assailed by the new science of sociology. The contract theory of Hobbes assumes man to be anti-social, in other words he was cent per cent individual but later *in point of time* he became socio-political. The sociologists will reply by saying that the movement ought to be reversed to a certain extent: man was cent per cent social at first. Mill's individual is of the former type referred to in the preceding paragraph and there it has been shown that social pluralism has struck at the root of individualism.

(6) The impact of Sociology has generated afresh and in a new light the concept of Power in political theory, the different forms of power: priestly, military, economic—relative importance of these in the family of power as Merriam puts it, power-philosophies and power-politics, taming of power, power as means and end and so on and so forth. Theological, metaphysical and juristic politics are yielding place to sociological politics, and sociological politics, whether it promotes irrationalism or lays emphasis on the doctrine of power by making it the fundamental concept in social science, in the same sense in which Energy is the fundamental concept in physics as Russell says, lifts us in a plane where the older categories of individual and his rights have no meaning. The emphasis on power has led to two consequences. By making sociology the science of power of which political science is a branch, Russell has made power a quantitative concept in keeping with the scientific attitude and hence the concepts of value, subjectivism, quality and individuality are at a discount. The second consequence is crude. The emphasis on power has led to the resurrection of those political philosophies which look upon the state as power for its own sake. Such a philosophy, which brings the state to the level of a mere military machine, has found a fertile ground in these insecure times, when between the double dangers of class-war on the one hand and militant nationalisms on the other, timid people want some ideological prop round which they can huddle together. From the scientific concept of power to the

form of state-power from state-power to glorification of war and violence, these are easy transitions. The whole state-conception is approached from the military point of view with its emphasis on mechanization, discipline, function, science, plan, emotion and suggestion. In such a back-ground, individual is asphyxiated. The technique of wealth-production had killed liberalism, the technique of modern war has provided for the burial. Power-philosophy and power-politics are their accomplices. The modern movements of fascism and communism glorifying violence, *i.e.*, naked power as end or means have done much to popularise the power-philosophy with its attendant consequences.

Whether the individual will live or die in political-philosophy will depend on the solution to the question: whether the world is a world of law as science views it, or whether it is the result of arbitrary will as some religious and philosophic systems teach us. Perhaps psychology may provide an answer or it may be an insoluble problem.

THE CROWD*

BY

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In presenting this little Essay on the study of the 'Crowd' it is intended to initiate a discussion and invite criticism; for to define the term 'Crowd' is not an easy task because of the confusion wrought by the popular use of a number of words in the sense of the crowd. As the late Professor Graham Wallas suggested in his *Great Society*, it requires restatement and re-examination so that its meaning may acquire a degree of certainty, definiteness and exactness. We, therefore, take up certain words which denote aggregates of human beings, and by differentiations and comparisons, we intend to reach a fairly exact definition of the word 'Crowd.' To begin with:—

(1) *Mankind or humanity* is the whole number of persons on the surface of the earth and is composed of races and tribes, nations and communities, without any regard of differences, territorial or climatic, religious or based on colour. Its basis is *the universal brotherhood of man* and its essence *the consciousness of kind*—a point which has been very well emphasised by Giddings in his sociological studies.

Nations may be at war, peoples may designate themselves as Hindus, Muslims and Christians, they may further call themselves as black, white or brown, yet these chief elements of humanity—the universal brotherhood and the consciousness of kind—cannot be divested from the commonsense of them all. Its essential feature is *stability and permanence*, for we believe in the continuity of the human race and its spirit is the *gregarious instinct* of living beings. Its basic formula is the truism enunciated by that political prophet of the world, we mean Aristotle who declared that 'man is a social animal.'

The composition of mankind, we may suggest, thus resembles a crowd which may also be composed of men different in religion, race or colour, but it differs in certain essential aspects.

* A paper submitted to the Second Political Science Conference, Lahore, January, 1940.

- (i) A crowd, in the first instance, is never stable, it is ephemeral in character.
- (ii) It requires a physical contact on propinquity because of its *short duration*.
- (iii) The basis of its existence is some *temporary object of attention*, and not the instinct of procreation or the universal brotherhood of man though the consciousness of kind helps its formation.
- (iv) It has, therefore, *no binding tie* which may keep it intact permanently.
- (v) Lastly, there is a difference of size also, the crowd usually not going beyond a thousand or hundred thousand people. Its identity is a *question of degree*, swelling or vanishing at the whims of the individuals composing the crowd. Mankind thus, is ever permanent, remaining where it is. People of one race, colour or territory may go from one place to another, they may change their religion and yet they will remain permanent members of mankind.

(2) Society as defined by MacIver, includes every *willed relationship* of man to man and as Cole points out, it is the interaction of associations and institutions. It is not a complete circle of social life; its concern is solely with the *organised* co-operation of human beings. To Miss Follet, it is, "not a collection of units, but a complex of radiating and converging, crossing and recrossing energies." It is a psychic process, involving as McDougall says an 'interaction' of individual minds.

A 'community,' side by side, is an area of common life, common traditions and common sentiments. The family, the village, the nation and the whole are all communities in their own way. Community, like society, is thus a question of degree.

A 'crowd,' therefore, resembles a society or community only in so far as it is also a *question of degree* but it differs from (i) 'society' in so as the latter is 'willed' or deliberate which the crowd is simply the result of chance. It is casual or momentary.

- (ii) The society is an *organised* co-operation, the crowd is *accidental* and has an individualistic basis; it is entirely unorganised. It is a *mere collection* of human beings with no 'interaction' of individual minds. It is true human beings in a crowd

have also relation but that relation again is individualistic and *only with the object of attention of each*, but it is in no sense a relation among the individuals themselves, which is the characteristic of society.

- (iii) It differs from the community in the fact that the 'common' life of the latter is entirely absent in it, not to say of its permanence. The crowd has a '*common object*' of attention but only upto the times each individual is interested in it.

A 'nation' says MacIver, is a perfect type of community and must, therefore, necessarily differ from the crowd. But it specially differs because of its territorial significance. As Zimmern has pointed out, a nation is a body of people who have developed a *corporate* sentiment of peculiar intensity, intimacy and dignity with regard to a *home country*. The crowd thus has neither a corporate sentiment, nor does it attach any significance to a particular place. It gathers wherever something unusual or extraordinary catches the imagination of passers-by.

(3) A 'People' as defined by Bluntschli "is a *union* of masses of men of different occupations and social strata in a *hereditary society* of *common spirit, feeling* and race, bound together specially by *language and common civilization* which gives them a sense of unity and distinction from all foreigners quite apart from the bond of the state." It thus differs from the crowd in its being of a *hereditary* character for a crowd is never continuous, it is only *momentary*. Moreover, even 'foreigners' can come in a crowd and enjoy the sight. It knows no differentiation. It is like a bundle of sticks tied by a rope—a mere collection of units. It does not know assimilation and integration.

(4) An 'Association' is *deliberatively* formed for some *specific* object in view. Physical presence of all its members is not necessary because it may be even international. A crowd, on the contrary, is never deliberate in the sense an association is and its purpose is never defined, though it has a *temporary* object of attention. It can never be international because it can exist at a *certain place*, for a *certain object* and a *certain time*.

* The word 'Group' has been used by Miss Follet for men associating under the law of interpenetration but MacIver emphasises 'interdependence' as its chief quality. Its tendency is towards creating a unity and its essence is harmony. It differs from the crowd: (i) in the fact that the chief characteristics of a crowd are

suggestibility, imitation, sympathy, feeling, emotion and impulse, but no inter-relation for 'relation' involves an act of 'will.'

- (ii) The crowd, further, is far from harmony, there is no rule to guide it. This is because it is transient and hence it cannot create unity.

(5) A 'mass' is probably the same thing as the crowd, its chief feature being a normal suggestibility; while in a 'mob' the law of abnormal suggestibility, prevails and its essence is intense confusion and a high state of emotion. Some tragic, extraordinary or provoking event may at once transform a crowd into a mob. It thus depends on what we may usually call 'high moment.'

A 'multitude' similarly is only an aggregate of individuals with or without any object of interest or attention. They may turn into a crowd or mob according to the circumstances in which they be placed.

A 'throng'¹ further is a collection of person each of which having an individual interest, which interest may or may not be common. The best illustration is the grain market, where there is always a throng—each man is present to buy grain and other things and yet is independently busy. Unlike the crowd, even the normal suggestibility seems to be absent, and there are different and various objects of attention. Thus even the apparent bond of unity is lacking.

(6) An 'assembly,' if used loosely, connotes only a number of people gathered somewhere, but if used strictly, it is an organised meeting. It resembles a crowd in being temporary in existence, but unlike it, it has some definite purpose in view and is deliberately called to assemble.

A 'Party' or 'Batch' signifies a number of men doing or going to do something,² as we find the coolies going to godowns at the call of the factory bells. Their object in coming together is some common topic in the way or the sameness of temperament or at least they ward off the weariness of their way by enjoying a

¹ A 'horde' or 'pack' of men has come to be associated with the life in primitive society which was based on totemic existence in which all men and women were brothers and sisters. They could thus marry only beyond their totem. Evidently, therefore, the horde is very different from the crowd. Similarly are the tribes and clans definitely based on an organised life through blood relationship to a common ancestor. They have, therefore, nothing in common with the ephemeral existence of the crowd.

² The word 'Gang' or 'Band' also signifies a batch or party of men but is mostly used in a bad sense such as a gang of robbers.

temporary company. If disposed to a certain action, they form a party because they feel that union is strength. In its strict sense, a party is an organised institution formed for the achievement of some definite purposes which each of the members composing it hold to be common. Physical contact is not necessary and parties are formed on a national scale.

In its ordinary sense, then, a 'Party' may become a crowd at any moment because it is also unorganised and has a physical contact of its members; but in its strict sense, it entirely differs from the crowd as the latter is never an institution and hence has no permanence.

A 'Committee' again comes into being as a selected institution either temporarily or permanently. It thus clearly differs from the crowd in the fact that it is never a spontaneous growth; it is called deliberately. Only chosen people meet in it, not all and sundry as in a crowd. They transact a common business as against the members of a crowd who have no business save individual interest in a particular thing.

(7) A 'Congregation'³ is a group of persons who draw together for some religious purposes—to perform certain rites, rituals or ceremonies. They meet either at an appointed time or at least when they feel that the right time has come. The congregation is thus institutional in character not *accidental* as the crowd is. Its purpose is well defined and its basis is devotion, not the whims or caprices of individual members. Though temporary in character like the crowd, the congregation, has also a greater fixity of time and intensity in interest of its members.

A 'Procession' is formed for some definite object—religious, political or otherwise. It usually starts in an organised fashion, though the organisation may be loose.

It resembles a crowd in its temporary character and also in the fact that its members may swell at the whims of passers-by but it differs from it in its *organised* character. It is not a mere chance association of men, at least in its origin, and is usually the result of a deliberate call.

(8) The word 'Public' also is usually synonymous with the masses and means the generality of peoples. It requires no personal presence, for the reading public of *The Leader* may live

* ³ A 'convocation,' too, is a gathering like a congregation. We are accustomed to its use in our university life when degrees are conferred upon those who have qualified themselves for them and who have therefore, been called to assemble at a particular time and place, in a particular dress and before a selected gathering of high personages.

at their respective houses and yet attend to what the Editor says. In the same way, the district magistrate issues precautionary orders for the spread of cholera and they are known to the 'public' by means of beating of drums. Thus 'public' knows no organisation like the crowd and further it does not even require the physical contiguity of its members.

Lastly, the words 'herd' or 'flock' are used only as a contemptuous comment upon the aimless gathering of men. It is expected that the actions of men ought to be rational. If they are otherwise, they bring about a rebuke in these terms. It is thus a sheep-like behaviour of men that makes them herd or flock. The best illustration is the railway train on a village station when all intending village-travellers would like to enter the same compartment without any regard of the fact that it cannot accommodate them all or at least they may try other compartments where they can get seats easily.

In the end, now, we can proceed to define the crowd as 'a chance assemblage of people having a *personal contact* and lasting only *up to the time* their *object of attention* has some fascination for them after which it melts away according to the individual *whims* of its members.' Its chief feature is imitation, suggestion and sympathetic radiation and is mostly moved by feeling or emotion. It comes into being under the law of what we usually style as the 'like attracts the like.' Hence if its *collection* has much to do with the consciousness of kind, its essence is 'time'—*a fact that has hitherto been neglected by all writers of crowd Psychology and which will form the basis of our whole classification of crowds.*

Crowds have been classified variously. The first noteworthy attempt was that of Le Bon who divided them into:—

- (1) Heterogeneous crowds, comprising of. (a) the anonymous or street crowds, (b) the not-anonymous or Parliamentary Assemblies.
- (2) Homogeneous crowds (a) sects (political & religious), (b) castes (military and sacerdotal), (c) classes (landowning or working classes).

This division clearly shows that Le Bon uses the word 'Crowd' in a very wide sense. To him *personal touch* is not of the essence of its formation. He thus, confuses all sorts of human aggregates, calling every human grouping a crowd. This is evidently false in the light of the definitions and differentiations which we have already considered. His 'anonymous' or 'street crowds' are therefore the only real 'crowds.' To call Parliamentary

ary assemblies as crowds is wholly fallacious for they are associations or institutions, deliberately called up or organised. They have even a fixed place of gathering and a fixed time of meeting. They have even fixed rules and objects, so that they are in every sense permanent in character and these are facts which are not to be found in a crowd.

But we must grant that even though thus organised; there may be, and often is a *crowd like behaviour* at some discussion on exciting subjects. The throwing of eggs in the English Parliament, and the personal duels among the different groups of the French Chamber of Deputies, depict nothing but the real psychology of a crowd and this is because, as we have seen, the crowd moves with imitation, suggestion or sympathetic radiation. In this sense it has no mind: it is entirely irresponsible, foolish, ignorant of the consequences. It has no foresight, no eyes. In fact, it can be interchangeably used for sheer confusion.

Again, sects, castes and classes are definite institutions or associations within a given community. Both of them require a certain social recognition, they have their own establishment and possess a certain degree of permanence—facts which are totally unknown to a crowd.

“The sect,” says Sighele, “is a crowd true, selected and permanent; the crowd is a transient sect which does not select its members. The sect is the chronic form of the crowd, the crowd is the acute form of the sect.”

In this statement, though Sighele is the first writer to analyse sect, he has, like Le Bon, failed to mark out the true identity of the crowd. A crowd, if it can acquire permanence, will never remain a crowd. Its essence lies in its temporary character. And this even Sighele admits when he calls it a transient sect. Hence, his statement that the sect is the chronic form of the crowd seems to be unmeaning. The acute form of the crowd, however, is the mob and the crowd may be an acute form not less than that of sect, than of other castes or classes. The recent Shia-Sunni dispute or the Tabarra-Madah Sahaba controversy in Lucknow has already several times exhibited how a sect can turn into a crowd.

The ‘Independents’ who formed a political as well as a religious sect in England were in the sense a crowd, because they had a definite organisation of their own.

In the same way, classes and castes are crowds in no sense. A ‘working class’ or the Hindu castes are organisation by themselves; and even if not organised in the sense of a real organisation, none of them requires the physical presence of its members as

a necessary element of its composition. A Brahmin will always remain a Brahmin whether he lives in Lucknow or Allahabad, but a member of the crowd cannot claim such permanent recognition, nay, he has no mind for such recognition.

Park and Burgess, two other writers, have noted the following positive factors which go to make up a crowd:—

- (1) Rapport, i.e., the existence of mutual responsiveness.
- (2) A certain degree of mental isolation.
- (3) The focus of attention and
- (4) Collective representation.

Though they have given a good and accurate analysis of the essential characteristics of a crowd, they have also missed the most important element, the element of 'time' which in fact makes 'crowd' a crowd. The 'ephemeral' character has been entirely ignored.

Another writer, we mean, Conway uses the term crowd to include mole, public meeting, race, empire and the nation, which, after our previous discussions, does not stand the test of critical examination. A race can establish itself on far wider dimensions than ever a crowd can; it was certain hereditary characteristics which are foreign to a crowd so that any comparison between the two is superfluous.

But Trade has drawn a useful distinction between the crowd, the public; the association and the corporation and as his theory is based on 'imitation' he has not run in such wild speculations.

The most scientific attempt in the classification of crowds up to this time has been of Dr. Radha Kamal Mukerji. He bases his division on 'attention' which as we have throughout seen is always a necessary element in the formation of crowds. He thus characterises them as:—

- (1) Attentional like the street crowds of Le Bon.
- (2) Active where the mind is in hurry and the object of attention requires some ideomotor energy, as we find people moving and crying when a hockey match is nearing the finish.
- (3) Moving, as in Hindu-Muslim riots, when the mental activity requires a degree of heat.

We can thus easily see that the thesis of Dr. Mukerji is *mind in society* and his classification is based on it. But though it is

the best existing classification, it; too, does not meet all cases and conditions of crowds. Our point of view being the influence of 'time' on society, we have ventured to put forth the following classification:—

(1) Crowds, in the first place, are '*Momentary*' which come into existence because of chance, curiosity or some accident. This is the same as the street crowds of Le Bon and the attentional crowds of Prof. Mukerji. If the passers-by find a dead elephant on the road, they gather together only to satisfy their instinct of curiosity or if a man has been knocked down by a car, people assemble to witness the accident. Further, as we saw during the Non-cooperation days, when by chance they would hear that Mahatma Gandhi was passing through Allahabad, they would assemble at the Railway station to hail him and would disperse as soon as the train had whistled off.

(2) Secondly; crowds are '*Temporary*' as involving a greater degree of time than momentary crowds. They are either purposive or leisurely in their existence. They are the active crowds of Dr. Mukerji and perhaps more. Among them may be counted such gatherings as when people gather together to witness the tricks of a juggler (*madari*) and occasionally burst out when some feat of the man has touched their imagination; or when a Kabaddi or a Cricket match is going on and they help it with their hurrah. This has been well witnessed again in the Non-cooperation days. Hearing that Mahatma Gandhi or some other leader was coming from a particular train, people gathered on the Railway station several hours before the arriving time of the train and in the meantime either moving about from corner to corner in joy or expectation or at least preparing themselves for a good reception. They disperse only either in disgust because the leaders have not come or with cries of *jais* and '*Allah-o-Akbar*' because they have given their heartfelt reception to their leaders.

(3) There are further '*Occasional*' or '*Circumstantial*' crowds which have come into being because of some sudden upheaval or tragic event. They are the "moving" crowds of Dr. Mukerji as can be witnessed in riots and strikes. Such gatherings could be seen on the Lucknow Hardinge Bridge during the floods of 1923 or on the sudden death of the late Pandit Motilal Nehru when Anand Bhawan was the scene of people's pouring in or we may recall the scenes in Palestine when the late Maulana Mahammad Ali's bier was passing through the various cities of Palestine on its way to Jerusalem; further, as we witnessed in the Non-cooperation days, when a certain leader was sent to jail and

the people thronged the gates of the prison. In the same way in the totalitarian states of our day both Hitler and Mussolini are being hailed by the crowd. On the conquests of Abyssinia and Czechoslovakia the leaders had to appear again and again on the balcony because the crowds demanded their appearance again and again.

(4) Lastly, the 'Cycle' or 'Customary' crowds which may be *social, ceremonial or religious and seasonal*. This aspect of crowd study has been left untouched even by Dr. Mukerji. The cyclic crowds are those which come repeatedly because they are institutional in character, as when we find the crowding of people in 'Magh Mela' at Allahabad or 'Urs' in Ajmer and the annual pilgrimage of Haj in Mecca; when voters collect at polling booths every year; when Kite matches are played every season; when the Tazia fair is held during every Muharram and when the crowds gather every day around the Congress Camp when the body meets in its annual session.

After this classification, we now take up the third aspect of the crowd study, that is, its psychology, but here we would not enter into a critical study of the subject. We would only, for the sake of interest, present some such diametrically opposite or contradictory attitudes in the behaviour of crowds which seem to us astonishing indeed. These glaring instances we would specially note from the Non-Cooperation Movement which we regard as *the greatest crowd Movement of the World*.

(1) In the first place, crowds have been characterised as merciless, cruel and we have ourselves seen instances of its cruelty. In Hindu-Muslim riots, who has not witnessed an innocent passer-by being beaten to death simply because he happened to be a Muslim or a Hindu? They showed no mercy until the *godly* act had been fulfilled. Who can further deny that children and women were not cut to pieces by these ferocious animals? Certainly the crowd is furious, monstrous. This is because it has turned into a mob.

But who has also not seen in the Non-cooperation days crowds of people being beaten by the police, nay even trampled upon by the horses, *but without any act of an equal violence*? There have been cases indeed in which stones have been thrown and police men murdered as in Chauri Chaura but considering the expanse of the country and the magnitude of the movement and the high state of emotion and feeling of resentment, one or two instances like these do not prove the contrary? It seems human nature has been changed and even crowds can be influenced to discipline and to the idea of consequences. They are thus

not always stupid and illogical. Moreover, they have even given proof of sympathy and willing help. The police before resorting to firing against the adamant processionists tried to disperse them, but they would not. If they dispersed from one place, they would reappear at another close by. And even though in the scuffle of the police and the processionists, many of those unconcerned also suffered—this was the foolishness of the crowd—they also proved to be of ready help to those that were injured. In this way, crowds have shown themselves to be not always merciless and cruel.

(2) A crowd in fury works havoc. This it did in several of the Bombay riots and lately in Cawnpore, but while in the latter Pt. Ganesh Shanker Vidayarihi lost his life because of the fury of the crowd, in one of the former it showed that it could be influenced by a high personality. We are recalling here the incident when Mahatama Gandhi had entered the arena and there was a dead stop to all fighting.

On many an occasion in the Non-cooperation movement the influence of personality has saved disaster. The presence of Lala Lajpat Rai in the Punjab on the occasion of the boycott of the Simon Commission, the presence of Pandits Moti Lal and Jawhar Lal in Allahabad in scores of occasions has always had a soothing effect in the fury of the crowd. Specially has this influence been felt when in a public meeting, leaders have been arrested and though the meeting has dissolved itself into a crowd, a few sentences from the lips of the arrested leaders for patience and non-violence have soothed their high state of emotion. This shows that the crowd besides being not always illogical, is also discreet. If not guided by reason or instructed judgment, it can at least be guided by the commands of its leaders. Further, the fact that it usually garlanded its arrested leaders also suggests that it can overpower its emotion. It is not always passionate, not always stupid.

(3) A crowd has also been described as sensational because mostly its actions are the results of cumulative, suggestion and sheer imitation. If one 'goonda' picks up a quarrel with a policeman on duty, others blindly follow irrespective of the consequences. But again during the Non-cooperation days the reverse has been seen. When people gathered round the Congress Flag (which was being carried in a procession) it has been seen, that in spite of 'lathi' charges and running over by horses, they have always remained calm and suffered injuries silently. We don't deny that some of them at times ran away in confusion, but in most cases the crowd has been adamant.

(4) A crowd further knows no reverence. Who has not seen the Non-cooperation days of 1920 when men like Shastri, Sapru and Surendra Nath Banerji, were howled down and the last was often described as Sir Surrender—Not, who had at last turned into Sir Surrender. Who has again not seen the uproarious scenes against Mahatma Gandhi when he had written that *Satayarth Prakash* was not a book worthy of the eminence of Swami Dayanand, and also when Maulana Muhammad Ali was upset on his speeches because in the beginning he stood for Ibn-i-Saud who had demolished many of the tombs in Mecca and further when Maulana Shaukat Ali was not even allowed to speak because he had shifted from the ideals of the Congress?

But side by side we have also seen that with the coming of any one of these leaders a crowd of thousands has hushed itself into silence and it has tried to have a 'darshan' in spite of the fact that in so doing they might have, on many occasions, even killed the idol of their adoration (and who were, therefore, only fortunately saved by Providence).

(5) Lastly, a crowd can exalt the valleys and debase the mountains. Wilke, became a patriot in no time, and there have been thousands of cases in India when unknown people have come to the forefront, and those foremost have been relegated to oblivion.

In the end, we may refer to the crowd mind, so-called. There have been many a protagonists of the theory of Group-mind, but the anti-intellectualism of our day has tried to shatter it to pieces. As regards the crowd, we have already said that often it has no mind, no eyes and no ear. It is completely blind. But there are occasions when it has proved that it has discretion, if not wisdom. Hence if crowd mind may be considered false as a separate entity, apart from individual minds, it is, we think, a convenient working hypothesis. It is, as Hayes calls it, a good metaphor, useful in the explanation of a particular collective behaviour of men.

THE SANCTION BEHIND THE CONVENTIONS OF A CONSTITUTION*

BY

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It is proposed in the following paper to examine the validity of certain recent criticisms of Dicey's theory that in England the main sanction behind what he calls the conventions of the constitution is the law and nothing else. But it will also be shown that the question has a bearing on the nature of the sanctions behind the customs of any constitution whatsoever.

These criticisms have been made mainly by Mr. W. Ivor Jennings of the University of London, and principally in his book *The Law and the Constitution*, first published in 1933, and revised for a second edition in 1938. But his point of view can be seen also in his work on "Cabinet Government" (1936), and in articles published in journals. Jennings' position is also substantially the same as that of Mr. E. C. S. Wade of Cambridge as seen in his *Constitutional Law* (first edition, 1931, and second edition, reprinted 1937,) and in his Introduction to the 1939 reprint of Dicey's *Law of the Constitution*.

Jennings' criticism of Dicey's position is as follows: Dicey's well-known explanation of the fact that though conventions have no court to enforce them, they are nevertheless obeyed is that a breach of the convention ultimately produces a breach of the law. Thus if the convention regarding the annual meeting of Parliament is not obeyed, the Army and Air Force (Annual) Act would not be passed and the Standing Army would become illegal; also the financial legislation would not be passed, and some forms of taxation and some items of expenditure would also similarly become illegal. But Jennings points out, first, that there are conventions which are obeyed just as surely as those which Dicey mentions, although breaches of the law would not follow failure to obey them. To take only one example; if some lay peer sat with the law lords when the House of Lords is hearing an appeal, no breach of the law would follow. Dicey's

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

argument, therefore, is valid, if at all, only in those few, however important, conventions which regulate the relations of the Commons and the Cabinet, and even then it is invalid if the former does not object to it as it did not when the 'National Government' set aside the principle of collective responsibility on the question of tariffs. Secondly, says Jennings, most conventions relate to the Government, and they cannot be in practice enforced against the Government. A metropolitan policeman under the control of the Home Secretary can hardly be expected to arrest the latter! In fact, to this critic of Dicey, even to the extent that the law is 'enforced' against law-breaking individuals and groups, it is really enforced not by the courts, as in Dicey's view, but by the executive.

What then, to Jennings, is the real sanction behind the conventions? It is nothing but the fear, in the case of the Government, that the opposition would use such a breach as political ammunition not indeed to dynamite the position of the Government in the Commons, which is impossible under the conditions of party discipline, but to do so in the country. "Here as elsewhere the primary protection is the operation of the democratic system;" that is, "conventions are obeyed because of the political difficulties that follow if they are not." Wade makes more or less the same point. He emphasises conventions the breach of which would lead to no legal consequences, and as for sanctions, he would see them in the general acquiescence of the community, the desire to carry on the traditions of constitutional government, the wish to keep the intricate machinery of the ship of state in working order and the anxiety to retain the confidence of the public and with it office and power.

We are now in a position to ask as to how far these criticisms are justified. I shall not concern myself here primarily with the question of those conventions the breach of which is said *not* to lead necessarily to a breach of the law, nor with what we mean by "enforcement,"—and not at all with the questions, also raised by Jennings, as to what is meant by courts in England and as to how far it was and is true that conventions in England have to do primarily with the exercise of the royal prerogative. The latter problem at any rate has importance only from the point of view of the English constitution. I am more concerned with the other and separate problem of the sanction behind those conventions the breach of which, it is admitted, will lead to a breach of the law. This is the problem which is of most general interest.

Here, first of all, it has to be pointed out that Dicey himself has admitted that the Government can effectively break the law.

"The government, it is sometimes suggested," he says, "may by the use of actual force carry through a *coup d'état* and defy the law of the land. This suggestion is true, but is quite irrelevant. No constitution can be absolutely safe from revolution or from a *coup d'état*, but to show that the laws may be defied by violence does not touch or invalidate the statement that the understandings of the constitution are based upon the law. The theory propounded aims only at proving that when constitutional understandings have nearly the force of law they derive their power from the fact that they cannot be broken without a breach of law. No one is concerned to show what indeed can never be shown that the law can never be defied or the constitution never be overthrown."¹ It is therefore not merely the case that a metropolitan policeman cannot be expected to arrest the Home Secretary, but also that the Home Secretary and the whole Cabinet may be expected to be able to successfully overturn the constitution if they want to, and Dicey knows it.

The influence of the operation of what Jennings calls "the democratic system" in getting the conventions obeyed is also clearly recognised by Dicey where he considers the effect of public opinion. He says, "A second current answer to the question under consideration is, that obedience to the conventional precepts of the constitution is ensured by the force of public opinion. Now that this assertion is in one sense true stands past dispute." What Jennings has done therefore is only to add that this public opinion is seen at election times, no great advance in analysis certainly. On the other hand, it is Dicey who goes farther than his critic when he adds regarding this point that, "Its defect is that if taken without further explanation it amounts to little else than a restatement of the very problem which it is meant to solve. For the question to be answered is, at bottom, why is it that public opinion is, apparently at least, a sufficient sanction to compel obedience to the conventions of the constitution? And it is no answer to this enquiry to say that these conventions are enforced by public opinion." It is so that he comes to write that, "the conventions of the constitution are supported and enforced by *something beyond or in addition to* the public approval. What then is this 'something?' My answer is that it is nothing else than *force of the law*."² (*Italics mine.*) And it is difficult to deny this. The sanction of the law is not, the only sanction, but it is

¹ P. 451, ninth edition.

² Pp. 444-445, *ibid.*, for all quotations in this paragraph.
F. 4

also there. And the contemplation in this connection 'of the boldest political adventurer' shows that Dicey was thinking not of those who obey the law, but who break it. And Jennings himself when he emphasises the fear of electoral opinion contemplates cases of possible breach of the conventions. It should also be remembered that Dicey was writing primarily as a lawyer and for lawyers and he had expressly stated, rightly or wrongly it does not matter in this connection, that with conventions the lawyer had no direct concern.

However, as was said above, it is not merely a question as to how far this criticism of Dicey is valid on a consideration of what he himself has attempted and said. Firstly, what is the validity of Dicey's own view, and for not merely England, assuming that he had in mind the effects of both electoral opinion and law? Here, what one can legitimately argue would seem to be that he assumes an abstractness and certainty in law which cannot be attributed to it. He admits that the law is what the courts say it is; but if the courts are also equated with judges,—and judges garbed indeed in wig and gown but made also of flesh and blood,—the sanction in law becomes necessarily vaguer than Dicey assumes. We need not indeed, with some recent American students of law, go so far as to define the law of a great country as what half a dozen old gentlemen say it is, much less discuss the effects of a good meal on a judicial decision (though the question has been raised of the quality of the potatoes which Napoleon had for breakfast on the morning of Waterloo), but it is well to remember in this context a fact like the change from medieval to modern times in the opinion of the English courts themselves with regard to the sovereignty of Parliament, or the recent changes in the opinion of the Judicial Committee of the Privy Council and the High Court of the Australian Commonwealth regarding the interpretation of the Canadian and Australian constitution respectively, not to mention the significance of recent judicial decisions in Moscow, Berlin and elsewhere, and at least one decision of the Permanent Court of International Justice, that on the Austro-German Customs Union. But, secondly, it can be seen that precisely this abstractness and certainty are assumed by Jennings himself as regards public opinion. He presses his analysis so far indeed as to point out that, in the conditions of party discipline in the Commons, what the Cabinet has to fear is only a shift in electoral opinion. But recent analysis of public opinion have shown that the public reaction to a particular policy is a highly uncertain and complex one, while, to the extent that contemporary practice has shown that it is predictable because

controllable through force and propaganda, the check actually vanishes.

To say, however, that law is not so simple as Dicey tends to think, nor opinion as Jennings does, is not to say that all that we can do is to leave them floating in some vague scientific empyrean. (It can be shown, I think, that in his disintegration of the concepts of 'law' and 'courts' the latter tends to adopt such an attitude.) It is only the first step in the direction of a deeper and a quantitative analysis of their foundations, an analysis which will not be satisfied with terms like 'really' 'ultimately' 'primarily' and so on repeatedly used by both. It is, however, something which cannot be attempted in this paper, nor is it necessary to its purpose as this has been only to call attention to difficulties, not indeed unanalysed (such an analysis would perhaps have been foreign to the scope of their work), but passed over equally by Dicey and his critics.

AMENDING PROCESS OF THE INDIAN CONSTITUTION*

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Of any federal constitution, the peculiar importance lies in the process of its amendment. A federal organisation is invariably the result of an agreement between a number of states which combine together to establish over themselves a new government to which they, of their own free will, assign a certain part of their authority. Indeed, the process of the formation of federation may be different in certain cases. In the Canadian constitution, for instance, the provinces were created *de novo*, so that it was not a case of the provinces coming together and making a federal arrangement under which they parted with certain of their existing powers, it was really a case of the loosening of a unitary system into a federal one.¹ In the Indian constitution, similarly, at least in one set of its major constituents, the British Indian Provinces, the process has been of autonomisation rather than of union. But whatever the process of the formation of a federal organisation, the fact remains that a federal constitution is ultimately in the nature of an effective compact or covenant between the various units—States or Provinces—and the central government as to the powers to be exercised by the two parts of governmental authority which together form the whole state.

In order to ensure the strict observance of this compact by the federal government and the units, the whole covenant is enshrined in a written constitution, embodying not merely the influences that operate in the minds of those who are responsible for framing it or the fundamental principles in which those influences are expressed but also the precise details of the powers entrusted to each of the contracting parties; and since the security of this covenant and the assurance of its faithful observance is inevitably dependent upon the degree of difficulty with which its terms may be

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

¹ Viscount Haldane, in W. P. M. Kennedy: *Constitution of Canada*, p. 408.

altered under the pressure or influence of one of the parties, therefore, a federal constitution naturally tends to become rigid and difficult of amendment, and anyhow aims to provide for the obtaining for any proposed amendment, whenever amendment should appear unavoidable in order to bring the constitution into line with the changing times and conditions, as effectively as possible the consent of the 'whole' community likely to be affected by it.

This consent of the 'whole' community to a proposed amendment is obtained in different federal constitutions by different methods. In Australia and Switzerland, while the initiation of amendments is left to the central legislatures, the power of ratification is entrusted to the free vote of the people through popular referendum and requires the approval of a double majority, that is to say, a majority of all the electors voting in the federation and a majority of electors in a majority of the unit-states. In the case of U.S.A., the provision for the initiation of amendments is of an alternative character, amendments being possible of initiation at the instance of two-thirds of both Houses of Congress or of two-thirds of the State Legislatures; but the power of ratification is invariably exercised by the State Legislatures and requires the approval of at least three-fourths of either the State Legislatures or of conventions especially summoned in each State for the purpose of ratifying the amendment. In the German Republic similarly, there was provision for an alternative initiative either by the central legislature or by popular demand and correspondingly for alternative ratification either by the central legislature, subject to two-thirds of the members being present and at least two-thirds of those present voting in the affirmative, or by popular referendum, requiring the assent of a majority of those qualified to vote. Underlying all these provisions there is the clear idea that amendments of a federal constitution should necessarily be the outcome of joint action of the centre and the units, the purpose being to ensure that no amendment is forced on the whole or on the parts against their will; but in all these constitutions it is accepted that as soon as that joint action is available, the amendment should go through and become a fundamental part of the constitution.

The position, however, of federations within the British Empire is slightly peculiar in this respect. The peculiarity lies in this, that while in the case of other sovereign and independent countries the formation of a federal constitution is a perfectly free act and therefore an amendment or alteration of it a wholly domestic concern, in the case of Canada and Australia the federal constitution, even if freely settled in a local conference, was

technically the gift of the British Government through an Act of the Imperial Parliament and the Imperial Parliament naturally insists upon maintaining its final authority over all amendments of the Act by which it granted the constitution. The same is the position of the Indian Federation, with the only difference that in this case the gift of the British Government was not merely technical but also real. In the Australian constitution, as we have already mentioned, there is provision for an elaborate procedure for the amendment of the constitution, although that procedure becomes effective only when the assent of the Crown in England has been secured for the amendment. But in the case of Canada, there is not even a provision of the machinery for the amendment of the British North America Act, so that it can be amended or repealed by the Imperial Parliament alone. The Government of India Act, 1935, follows the model of the British North America Act in omitting to make a provision for its amendment.

Thus, the technical position is that in the case of federations within the British Empire the power of constitutional amendment belongs not to the federal countries in question but to Great Britain. The implications of this theoretic position, however, have by now been over-ridden in practice in the case of Canada and Australia. So that although Australia still needs the consent of the Crown in England for any measure of constitutional amendment to come into operation, it is really unthinkable that the Crown should ever refuse its consent in such an event. Similarly in the case of Canada, although an amendment is technically a matter for the Imperial Parliament, the practice is that "an address to the Sovereign is passed by both Houses of Parliament at Ottawa asking for the amendment specified. When the address is received by the Colonial Secretary¹ in London, the desired amendment is passed by the Imperial Parliament as of course and without debate. This is, in substance, simply giving legal validity to an amendment agreed upon by the parties to the original contract which they desire to amend."³ This is particularly the position after the Statute of Westminster, 1931, which states (a) that the Colonial Laws Validity Act, 1865, is no longer to apply to Dominion legislation and therefore no Act of a Dominion legislature is to be considered invalid because it is repugnant to the laws of England or to the provisions of any existing or future Act of the Imperial Parliament, and (b) that a Dominion may

² Now Dominions Secretary.

³ F. Whyte—*India, a Federation?*, p. 271.

repeal or amend any such Act which is part of the law of the Dominion. It is true that the British North America Act, or rather Acts from 1867 to 1930, and the Constitution Act of the Commonwealth of Australia have been expressly removed from the application of the new powers conferred on the Dominion Parliament, but that was as a consequence of the request of these two Dominions, and the request was made because it was felt that the authority and the sanctity of the constitution could be maintained only by preserving its independence from the unfettered action of the Dominion Parliament. Otherwise, under the Statute of Westminster, it has even been possible for South Africa to pass a law declaring that every function of the Crown in respect of the Union shall be exercised, whether by the Crown personally or by the Governor-General, solely on the advice of the Union ministry and that the Crown or its representative shall be under legal obligation to act upon that advice—in particular, that the Crown will have no voice, except by courtesy, in the appointment of the Governor-General or in his removal and will have no power to give him any instructions save such as are desired by the Union Government. So that within the terms of the Statute of Westminster, it is possible for a Dominion, if it so chooses, to render British Government or Parliament absolutely useless as an effective factor in the government of that Dominion.

But the position of India remains strikingly weak. The Constitution Act contains no provision for its amendment, so that it can be amended, like any other Act of Parliament, by the Imperial Parliament alone. In section 308 of the Act, a few minor points are listed, and in these the Federal Legislature has been conceded the power to propose, but not make, amendments. They include such matters as (a) the size or composition, the method of choosing to, or qualifications of members of, the Chambers of the Federal Legislature, provided that the proportion between the number of seats in the Council of State and the Federal Assembly or the proportion between seats allotted to British India and the seats allowed to the States are maintained, (b) the number of Chambers, the size or composition, method of choosing or qualifications of members of a Provincial Legislature, (c) altering the educational qualifications in the case of women's franchise, and (d) minor procedural changes regarding the registration of persons as voters for the purposes of elections. The procedure indicated regarding proposals for any such amendment is that the Federal Legislature or any Provincial Legislature may pass a resolution recommending any such amendment and present to the Governor-General or the Provincial Governor, as the case may be,

an address for submission to His Majesty praying that the resolution may be communicated to Parliament: within six months of such communication of the resolution the Secretary of State will lay before both Houses of Parliament a statement of any action which it may be proposed to take thereon. But these minor matters apart, any amendment of the constitution may be made only by Parliament.

There is, it must be admitted, a certain amount of theoretic justification for the Imperial Parliament withholding, at least for the present, the power of constitutional amendment from the Federal Legislature or the people altogether and making itself the sole judge of the necessity of future amendments.

The Indian federal union is a most hybrid and complex organisation. It is composed, in the first instance, of two entirely different elements. On the one hand there are the Provinces which have so far been united under the control of a central government with plenary powers and have, in fact, been wholly subordinate divisions of a unitary state, so that the federal scheme confers upon them an autonomy which they have not so far possessed. On the other hand there are the Indian States which have, however erroneously,⁴ been supposed to be absolutely sovereign as against the Government of India, so that their accession to the federal scheme must mean a surrender of some measure of their 'traditional' autonomy. Secondly, and indeed following from it, while the Provinces, having only derivative power and no independent authority to surrender, have been forced into the federal scheme by the very terms of the Act, the Act recognises that the accession of a State to the federation cannot take place otherwise than by the voluntary act of its Ruler. Thus, the Act does not make any State member of the federation, but merely prescribes the method whereby a State may accede and sets out the constitutional consequences of accession. Thirdly, even after the accession of the States to the federal scheme, the status and character of the two types of federal units would remain different—the States are under the personal rule of the Princes and would remain so after accession, while the Provinces have more or less responsible government; the representatives of the State in the Federal Legislature would be the nominees of the Rulers, while the representatives from the Provinces will be elected by the people; the subjects of the States would not be citizens of the federation in the same way as the

⁴ For a full discussion of this, in my essay on '*Indian Federation*' in Fabian Tract, London, No. 245.

populations of the British Indian Provinces; and most important of all, while the Provincial Governments would have a simple relationship in the first instance with the Government of India and thence with the British Crown, the States would have a complicated double relationship, firstly, as units of the federal scheme, with the Federal Government and thence with the British Crown, and secondly, as subjects of the Paramount Power, directly with the Crown, which may still continue to control or at least guide the policy of the Rulers.

This composite character of Indian federal union has naturally caused interminable complexities of the federal constitutional structure, so that anyhow it would have been an extremely difficult, if not quite impossible, adventure to devise an institution within the constitutional structure itself, such as could have effectively secured the consent of the 'whole' to any proposal for the amendment of the constitution.

But the important question for us is to analyse in what way the amendment of the Indian federal constitution is likely to actually take place in the future.

In the Government of India Act itself, the possibility of immediate amendment of certain minor matters has been expressly envisaged. We have already explained that there are a few items enumerated in section 308 in which the Federal Legislature has been given the power of proposing amendment, although the section does not forget to state that His Majesty in Council may at any time make any amendments in regard to these items even in the absence of the proposal of the Federal Legislature. Then, there are some matters set out in schedule 2 of the Act in regard to which Parliament has been specifically authorised to amend the Act as necessary, without affecting the accession of a State. It has also been stated that such amendments may apply to the States if they accept them by supplementary instruments. This provision amounts to a recognition of the principle that amendments of the Indian federal constitution, at least with regard to matters enumerated in schedule 2, require a positive expression of consent of the States in order to be operative over them. But does the recognition of this principle imply that in future no substantial amendments of the Act outside the scope of schedule 2 are to take place at all, or that if such amendments are ever contemplated they must require for their ratification a positive unanimity of vote of the State-units; and that if such amendments are adopted without a unanimous vote it would be possible for any State that dissented from them to withdraw and secede from the federal union?

The question of possible secession aroused considerable interest in the debates on the Government of India bill in the House of Commons. The emphasis of the Secretary of State's view was that "since the Princes enter the federation, as set out in the Act, of their own volition and according to their Instruments of Accession, it would of course be quite unfair to them, *and indeed their adherence could never be obtained*, if there was an unlimited power for subsequent Parliamentary legislation to alter the federal constitution, leaving the States completely bound to a totally different type to that which the Princes had agreed to accede to" and that "if the 'protected' provisions are amended by Parliament, the State has the right to reconsider its position, or in more technical language it may be said that if 'protected' provisions are amended, the States' Instrument of Accession is voidable, though not void."⁵ The Solicitor-General and the Attorney-General also said something to the same effect, although they were not quite so definite about the voidability or otherwise of the States' Instrument of Accession.⁶

But such view is hardly consistent with the actual facts and history of the existing federations of the world. As Sir S. A. Khan said, "a federation is perpetual and indissoluble in spite of legal conundrums and juristic gymnastics, and once the States decide to part with their sovereignty over certain specified subjects they cannot claim it back in spite of sub-sections 4 and 5 of section 45 of the Act giving powers of resumption by the Governor-General in case of failure of the constitutional machinery."⁷ The Instrument of Accession, once signed, becomes irrevocable and leaves no power to secede from the federation under any circumstances whatever. Once federation is complete, the only legal means, in the context of the Indian situation, whereby any State could apparently separate from the federal union, is by presenting a petition to the Imperial Parliament; and this, says Professor J. H. Morgan, the Imperial Parliament, as a matter of constitutional practice, would never consent to accept, for to do so would be to negative the 'pledge' of the ultimate grant of Dominion Status to India made by the Secretary of State during the passage of the Bill through the House of Commons. "The failure of the petition of the state of Western Australia for secession from the Commonwealth may be regarded as a precedent fatal to any chances of such a petition by the Indian States being

⁵ *House of Commons Debates*, May 27, 1939.

⁶ *House of Commons Debates*, May 26, 1939.

⁷ S. A. Khan: *Indian Federation*, p. 37.

granted and implemented by the Imperial Parliament. In that case, of which I can speak with particular knowledge as Counsel for the state of Western Australia, the Judicial Committee not only rejected the petition but decided that it could not even go into the merits of the case. The ground for their decision was that the 'established constitutional conventions' of the Empire put it outside the competence of Parliament to give effect to such a Petition."

The force of this argument is further increased by the text of Section 45 of the Act. 'Professor Morgan admits how 'in accordance with instructions of the Chamber of Princes and the views expressed by their Highnesses of Patiala, Bhopal, and Bikaner, and by the States' Ministers Committee, I and my fellow counsel endeavoured to secure from the Secretary of State in June 1935 an amendment to provide for the right of secession in the event of the breakdown of normal authority of the Federation as contemplated by section 45 of the Act, but failed to secure it and our draft amendment was decisively rejected.' Thus, section 45 as embodied in the Act stipulates in general terms, without making discrimination in the case of States, that "if at any time the Governor-General is satisfied that a situation has arisen in which the government of Federation cannot be carried on in accordance with the provisions of this Act, he may by proclamation (a) declare that his functions shall to such extent as may be specified in the proclamation be exercised by him in his discretion, (b) assume to himself all or any of the powers vested in or exercisable by any Federal body or authority, and any such proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part the operations of any provisions of this Act to any Federal body or authority" (except the Federal Court).

There is, however, a sub-section in section 45 which deserves to be noted. It says that if at any time the government of the federation has for a continuous period of three years been carried on under and by virtue of a proclamation issued under this section, then, at the expiration of this period, the government of the federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but that *nothing in this sub-section shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.* This provision has nothing to do with the

question of secession, which we have already discussed. Nevertheless it says something that is of the greatest importance in considering the problem of the amendment of the Indian federal constitution; for it seems to limit the power of Parliament to make any drastic amendment of the constitution, and as such lends force to the view that the constitution contemplates no further material changes in the future, that the only amendments possible are the ones enumerated in schedule 2 of the Act, and that even those changes can be effective on the States only if they are specifically accepted by the States in supplementary instruments.

If that view be correct, it must be recognised that the federal constitution which the British Government has conferred upon India is a very peculiar constitution indeed; for while it is true that a federal constitution, being the result of agreement among the governments of the several units that go to make the federal union, ought to be a comparatively rigid one, difficult of alteration under the influence of momentary impulses, it is nevertheless necessary that facilities should exist for its alteration in even the most fundamental details whenever there should be a real need for such alteration, for otherwise such constitution must become increasingly antiquated and unsuited to the changing times and conditions. Every constitution reflects the ideas held by the political groups which happen to be dominant at the time when it is framed. These ideas, based upon the experience, interests, and needs of such groups, are inevitably bound in the course of time to change; and new political groups with new interests must emerge and become dominant, for social conditions which determine the character of political organisation have never in history remained constant. A predominantly rural life may give place to an urban one on account of the progress of industrialisation and may necessitate a redistribution of powers between the centre and the parts. Even in the ordinary course of development, the balance between nationalism and particularism may lean towards one side at one time and towards another at another time. And all these changes must reflect themselves in the constitution of the country by corresponding alternations in the structure and functions of the central and local governments, if the government is really to continue to work in harmony with the needs of the people.

It becomes, therefore, impossible to appreciate the force or the reason behind a provision in any constitutional structure that wishes to bar future amendments of the Act in its fundamental respects. Nor, we may incidentally point out, can one find easy justification for the provision which makes the positive acceptance in a supplementary Instrument of all amendments in schedule 2

necessary for the enforcement of such amendments in the case of the States; for although the requirement of unanimity in respect of certain amendments affecting matters that are absolutely vital to the preservation of the individuality of the part-states is a characteristic of almost federal states, it is clearly unreasonable to stipulate that an otherwise predominantly acceptable and wholly desirable reform should be defeated because of however whimsically conceived opposition of however insignificant and petty a Ruler, or even that such a Prince should have the authority to keep his own State outside the operation of such an amendment, which has been accepted by all the other units of the federation, and thus help to further increase the complications and complexities of an already too complicated and complex an organisation.

Professor A. B. Keith's opinion is that the sub-section 4 of section 45 is wholly inconclusive. Although the Act, he says, clearly contemplates that amendments will not be made outside the items mentioned in schedule 2 and it should certainly be open to any State to argue that drastic amendment in the constitution is equivalent to a breach of the Instrument of Accession, yet the Act is quite silent as to the position in such an event—it does not, for instance, provide any legal means by which the States could obtain redress in this respect. Nor is the meaning of the phrase “affecting the accession of the States” quite clear. It might be taken to mean that if the amendment goes outside the limits prescribed under the second schedule and modifies any provision of the Act which is legally excluded from amendment, then the State concerned may declare the Instrument of Accession as null and void, on the plea that when the original basis upon which the Federation was made has been changed by amendments, its accession has been affected and therefore its connection with the Federation ought to cease to exist. But, then; a decision upon this question will be outside the jurisdiction of the courts. Under section 204, the parties to a dispute before the Federal Court must be the Federation and any of the Federal units, while such a question will be between the Crown and the aggrieved State. It can be settled, therefore, either by mutual negotiation or by a petition to His Majesty, the likely fate of which Professor Morgan has already quite conclusively disclosed. It may be added that the likelihood of the rejection of Indian States' petition is all the greater, for the inclusion of Indian States in the federal scheme was an interested move on the part of the British Government to make them serve as a stabilising influence in Indian politics and consequently as a shield for British interests.

The clear conclusion from this analysis is that although there is no legal scope as such for any substantial amendments of the Indian federal constitution, at the same time there is no definite legal bar against them; and since, as we have already examined, a living constitution is, by its very nature, a developing organism, constantly changing in its spirit and institutions in order to come into line with the progressive change of the political and social ideas of the people living under it, it becomes difficult to imagine that no amendments will ever be made in India without the unanimous consent of all the Princes. No constitutional barriers, however definite, can permanently obstruct the growth of political institutions permanently, if only the popular will flourishing under them is sufficiently strong; and as Professor Harold Laski says, written constitutions in particular work less according to the formulae they announce than by the parallelogram of social forces which give them their living reality.

Although the present constitution has a look of finality about it, yet it is indubitable that the growing strength of the people in British India will, in the course of time, force the British Parliament to make amendments in the constitution, whether the Princes want them or not. Technically the Princes may go on declaring that material amendments in the constitution, such as should result in changing the colour and character of the federal scheme, should offer them the opportunity of reconsidering again their whole position in relation to the new federation; but what is technically right is not always practically feasible. It is evident that the Princes have been brought into the federation to serve as a shield for British interests and that, therefore, their secession is bound to be strongly opposed by the British Government, even apart from the dictates of constitutional practice in this matter. The odds are that the British Government will try to secure the willing co-operation of the Princes in its policy of conceding further reforms to India, by the limitations and definition of its own powers of Paramountcy, which, as the Butler Committee also recognised, is quite capable of definition and adaptation to the shifting necessities of the time.

But apart from such direct amendment of the constitution by the Imperial Parliament, the Indian federal scheme is bound to grow by the other silent processes which are inevitably available for the alteration of the constitution in any community.

Of these methods, the first is that of judicial interpretation. In all federal states where the courts have the power of interpreting the constitution, this silent process has been continually operative. In the U.S.A., Canadian, and Australian constitutions,

it has played an important part in modifying the original balance of powers provided for in the original compact. Thus, in the case of Canada, the object of the framers of the British North America Act was to confer only a few limited powers on the provinces and leave the entire residuary authority in the hands of the central government; but by the exercise of judicial interpretation powers, the Judicial Committee of the Privy Council has entirely changed this view of the relative importance and sphere of the central and local governments. By adhering to the view that the Constitution Act should be construed from 'within' like any other statute of the British Parliament rather than from 'without' attaching importance to the motives of the founders of the constitution or to the historical circumstances that led to its formation, the Judicial Committee has been able to enunciate the principle that "the mere fact that Dominion legislation is to the advantage of the federation as a whole does not entitle the federal legislature to enact any measure, so long as the subject matter of the law cannot be brought under one of the heads enumerated in the illustrative list;" so that the comprehensive residuary power originally meant to be located in the central government does not now find its resting place there except in times of extraordinary national peril. In the case of U.S.A. and Australia—more pronouncedly in the case of U.S.A. than Australia—the emphasis of this power of judicial interpretation has been in the contrary direction; there it has enabled the central government to encroach upon the jurisdiction of the states in several important matters, without any recourse to a formal amendment of the constitution.

Another silent method, apart from formal amendment, by which federal constitutions change in the course of time is by the growth of extra-legal devices known as conventions or usages. Although their existence or validity as such may not be recognised by the courts at least in the earlier stages of their growth, they nevertheless form a substantial part of the working constitution of every federal state, having their ultimate sanction in the tacit consent given to them by all those sections of the community which happen to be politically dominant and which have the power to actually determine how the institutions of government should be made to work in practice. Their effects have been most widespread, for they have altered not merely the effective distribution of powers between the central and the local government but also the relative importance of the different organs of government, and have in some cases even created many new types of governmental machinery to supplement that which is provided for in the original constitution. In the U.S.A., Canadian, and Australian

constitution, their effects have been (a) to co-ordinate the central and local governments, enabling the central government in all these constitutions to enter the fields of education, agriculture, roads, forests, industrial welfare etc., although these subjects were invariably reserved under the written constitution to the units, (b) to modify the relative importance of the various branches of government, thus enabling, for instance, the American Supreme Court to question the validity of the laws enacted by the Congress or the State Legislatures in complete absence of any specific provision in the constitution, or causing the falling into abeyance of the control that the central government in Canada was expected to exercise over the provinces though its power of appointment of Lt-Governors and veto of provincial legislation, or reducing the relative importance of the Second Chamber in Australia, which had been specifically constituted to safeguard the interests of the units, and (c) to produce new institutions and agencies in order to make mutual co-operation easy.

Both these methods would be available for the steady growth and development of the Indian federal constitution; and we have no doubt that whatever the legal provision in the constitution itself, the structure is going to alter itself completely out of shape before very long. It is this important truth that the Indian States need above all to realise.

NON-VOTING IN INDIA: CAUSES AND CURES*.

BY

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A defect in Democracy is half-cured when discovered. And non-voting is the worst disease that a democracy can suffer from. How to combat this, is the question I examine. It is not my object to indulge in a theoretical discussion of suffrage and its rights or its requisites of the type of age, sex, race, residence, property and the like, but what I am concerned with, is the 'exercise of suffrage,' which, undoubtedly, is the citizens' duty, and probably the first in importance. I am ever so anxious to see that in India, and for that matter in any country, it is essential that the franchise should be as wide as practicable, but just at present, the problem I face is not of 'limited electorate' or 'wide electorate' but of 'indifferent electorate.'

Today for our country, the vote is of more importance than ever before. More responsibility rests upon the Indian voter now, than ever before in the history of our country. Shall we guide him properly? Or shall we neglect him? The answer is clear.

At the very outset, the problem should be clearly analysed. It is two-fold. First, persons duly qualified to be voters do not care to get themselves registered at the time of compilation of voting lists. Secondly, those who are on the voting lists, act indifferently and do not go to exercise this basic and essential privilege.

Let us briefly examine the extent of the evil in our country, as revealed by the first election under the Reforms. Taking the country as a whole we find that the polling percentage, i.e., the proportion of those who voted to those registered in the contested constituencies was 54.55.

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

The following is the polling percentage province-wise:—

Madras	...	...	...	51·6
Bombay	...	...	...	51·7
Bengal	...	...	...	40·5
United Provinces	...	...	...	58·3
Punjab	...	...	...	63·7
Bihar	...	...	...	59·22
C. P. & Berar	...	...	...	54·8
Assam	...	...	...	71·35
North West Frontier Province			...	72·8
Orissa	...	...	...	58·87
Sind	...	...	...	54·2

These figures leave much to be desired and do not compare favourably with those of other countries. The figures of voting come to about 70% in the U.S.A., and round about 75% in England, France and Germany.

I can be allowed to examine the case of my own Province, *i.e.*, the Punjab in a little more detail. In regard to voting, it compares well with other provinces, but yet the results cannot be called creditable.

The total number of voters in the Punjab registered for election under the new constitution was 2,686,094 (about 27 Lakhs). The total of electorate in the contested constituencies was 2,401,637 or over 24 lakhs. Out of this, the number of votes actually polled was 1,529,890, thus giving us a polling percentage of 63·70. This percentage cannot be described as high.

Even in Lahore Urban, the polling percentage among Hindus was 48·80 and I describe it as painfully low in this enlightened constituency, especially when the constituency was so hotly contested.

Among Mohammedans the percentage was 45·25 for Lahore Inner and 41·89 for Lahore outer, which certainly is far below than what we could expect from those living in the capital of this province.¹

Let us turn to Bengal now for some time. "With regard to the interest taken in the elections by the people as a whole, the

¹ See my article in *The Roy's Weekly* of Sept. 5, 1938.

provincial percentage of voting—40·8, the lowest in India—does not suggest that the electorate was very keen.”² The figure for the General (Hindu) Urban Bengal was 21·1%. Is it not ridiculously low? Out of a total of six seats reserved for Calcutta, the second largest city of the British Empire, in none was the polling percentage more than 36·23 for Hindus and 44·82 among Mohammedans.

Turn to the case of women now. No nation can rise above the level of its women. The following table, reproduced from official report, reveals startling facts.³ It shows the following percentage among females, province-wise, in the case of Provincial Legislative Assemblies.

I Province.	II No. enrolled.	III No. enrolled in contested constituen- cies.	IV No. who voted.	V Percentage of Column IV on Column III.
Madras ...	1,584,784	1,532,248	479,278	31·5
Bombay ...	335,890	305,750	129,535	42·4
Bengal ..	970,033	895,588	46,758	5·2
United Provinces ...	520,380	494,752	95,553	19·3
Punjab ...	189,105	173,459	58,216	33·56
Bihar ...	229,044	215,490	17,037	7·9
Central Provinces and Berar.	263,331	259,750	63,744	24·5
Assam ...	45,366	29,680	8,678	29·23
North-West Frontier Province.	4,895	4,895	3,498	71·4
Orissa ..	79,208	70,526	4,670	6·62
Sind ...	32,668	27,940	9,705	34·7

The disease of non-voting exhibits itself in naked form in the above figures.

What is the cause of such a low percentage of voting and what is the remedy is the object of this study. One by one I face the causes indicating the remedy along with them.

² P. 123 *Report of the Reform Office, Bengal, 1932—1937.*

³ P. 14, *Return of Elections in India, 1937*, by the Secretary of State for India.

Registration:—Most of the compiling of the Voters' lists under the new constitution, be it realized, was done automatically, but certain people could be enrolled only on a basis of applications submitted by them. For instance, in the Punjab those who based their qualifications on education alone, had to submit applications for enrolment, within 21 days of the notification for the purpose. Many duly qualified voters start with a neglect here and are, thus, prevented from voting.

This defect can, to some extent, be remedied, if the Government were, for all future elections, to give sufficient time, notice and publicity to this type of registration.

The Illiterate Voter:—The illiterate voter presents a very complex problem. In a country in which even the literate and the educated criminally neglect their civic duties, it is no wonder to find the illiterate voter awfully shy about performing a task which probably he can never really understand the significance of. In several provinces of India, including the Punjab, no appreciable steps were taken to counteract the ballot-box shyness of the illiterate. In a country, which has unfortunately about 92·5% of its people as illiterate, it is certainly the duty of the Government to see that these otherwise condemned souls are not only allowed to vote, and made to vote but also explained the significance of the vote.

In this connection the steps taken by the Bengal Government should receive universal praise.

They worked the 'Symbols System' exceedingly well. The symbols system facilitates the illiterate vote. A number of symbols (some common inanimate articles, such as, a bicycle or a tree) are selected by Government for allotment to candidates. No symbol other than those in the prescribed list is permitted. Candidates have to choose a symbol at the time of submitting their nomination papers. In the polling booth a ballot-box has to be allotted to every candidate, with his symbol pasted on it. A voter, made familiar by the candidate, in regard to his respective symbol, enters the polling booth and drops the ballot paper in the box he desires.

Another method for inviting the illiterate voter is the adoption of the Coloured Box System. The system has been used, I understand, in Madras; but the difficulty on the part of the illiterate voter to distinguish even the common colours, makes this system inferior to the one already examined.

Polling Hours and Polling Stations:—Inconvenient polling hours furnish another cause for non-voting in our country, as well as elsewhere. The Punjab Government rules provided 9 A.M.

to 1 P.M. and 1-30 P.M. to 4 P.M., as polling hours.⁴ They were slightly amended for the better later on, but there is still room for reform. For those who attend offices or go to school, colleges or workshops the hours are evidently inconvenient.

This inconvenience is all the more felt in big cities such as Lahore. In rural areas as well, people have to travel a big distance in order to reach the polling booths, and it may therefore, safely be asserted, an increase in the voting hours, would beyond doubt increase the number of voters.⁵ Where inability to vote is the result of lack of time, the arrangements which are responsible for it certainly exhibit their own condemnation.

The polling hours for Bengal were fixed from 8 A.M. to 4-30 P.M., which are far from satisfactory, considering a large number that are busy during these hours and considering that people had at times to cover a distance of 6 or 7 miles for recording their votes.

The workshop or factory worker has a problem of his own. His employer naturally does not like any dislocation in his work. The worker is either not allowed to leave the premises or a deduction is made in his salary for the time he spends outside. The trouble is universal. The remedy lies only in the extension of polling time. In New York the polling hours are from 6 A.M. to 6 P.M.

A word regarding polling stations. Crowding distracts many. This should as far as possible be remedied. In the Punjab 3256 polling stations were provided, but still it cannot be said that there was no congestion at the polling stations. While determining the number of polling stations, the number not only of probable voters, but also of the general public expected to gather should be borne in mind. They are also a part of the crowd. The work inside the polling booths need not worry many, but the great excitement without, definitely scares away some.

More polling stations would solve the problem of distance as well. The Reforms Commissioner, Bengal, reports that the Polling Stations had to be selected normally in such a manner as no elector should have to travel more than six or seven miles. Even that we realize is not small.

Lack of Publicity:—Lack of publicity is another cause of non-voting. Publicity in regard to election and the mechanism of

⁴ *The Punjab Electoral Manual*, p. 90.

⁵ *Lessons from Elections*, by P. L. Sahgal, the *Roy's Weekly* Sept. 5, 1938.

voting is of paramount importance. On this problem, I have expressed myself in an article elsewhere, in the terms which, as I do not feel that I can improve upon, I will venture to transcribe. "In this respect the Government, the candidates, their agents, the intelligentsia, and the members of the teaching profession have a duty to perform. If they occasionally dwell upon the importance of this civic right to those whom they come in contact with, there is no reason why we should not register a distinct improvement. What is most needed is a popular enlightenment such as can be carried on by the press, by political parties, by leaders of opinion and the like in regard to elections and their importance. It is certainly a standing duty of the government to take steps to familiarize the people with the mechanism of voting. The Radio, the newspaper, the moving picture and bills and posters have all been used by foreign governments to advantage. The Ballot-box shyness must be fought".⁶ The principles of Civics and Political Science should be taught in school classes.

"The citizenship courses," writes Mr. A. J. McCulloch, speaking of U.S.A., "offered in junior and senior high schools testify to an awakened interest in the proper equipment of our youthful electors."⁷

Women:—Women present a problem of their own. The extent of non-voting among them has already been examined above. For instance, in Bengal, only 5·2% of the female electorate voted in spite of the fact that Bengali ladies are comparatively more enlightened. In one district, out of a total of 17,066 female voters only 6 voted. In another, of a total of 48,741 women electors, only 120 voted. The proverbial shyness of the Indian ladies, their utter illiteracy and their absolute ignorance of the theory of voting are the causes responsible for their non-voting. Pardah system, lack of suitable communications and lack of canvassing are further causes. I may quote with advantage and approval the opinion of an officer in Bengal who says, "The problem of bringing the women to the booths is not so much a problem of adequate arrangements at the booths, as it is a problem of canvassing them. At present the candidates do not canvass the women voters at all. They arrange for no methods of approaching the women voters. No women canvassers are employed; no arrangement is made for meeting the women voters."

⁶ *Ibid.*

⁷ A. J. McCulloch: *Suffrage and its Problems.*

Spread of literacy, publicity, arrangements for special polling booths for ladies, employment of female presiding and polling officers as well as of female police will undoubtedly attract a larger number to the polls.

Compulsory Vote and Postal Vote:—May I also examine the possibility of compulsory voting in our country? The experiment has been tried in Belgium, Switzerland, Australia, as also in Argentine, Denmark and Hungary.

The Commonwealth Electoral Act of 1924 of Australia, for instance, introduced compulsory voting which increased the voting percentage from 59.36 in 1922 to 91.39 in 1925 and 93.64 in 1928. The penalty for inexcusable non-voting is between ten shillings and two pounds. Dr. Barthelemy feels that "Compulsory voting is an excellent means of civic education."

But considering the largeness of our country and the largeness of the electorate, I feel the cost for providing the machinery necessary for compulsory voting in our country would be prohibitive.

In the attempt to raise the effective proportion of the electorate to its highest possible percentage, it is desirable to permit the use even of postal vote. For the invalid, infirm and the aged and for the educated busy, the system would be useful if it, "is surrounded with adequate safeguards against abuse and trickery".⁸ But neither of these devices can meet the requirements of our country to a very great extent.

Personal Causes:—The causes analysed above are administrative in nature. Besides the above, there are a number of personal causes that are of universal prevalence and are admirably examined by Messers Meriam and Gosnell in regard to non-voting in Chicago. In India, the personal element is quite a strong force in view of the newness of the electoral machinery to many. People are not only shy but actually nervous about voting. The following table is taken from the above mentioned study.⁹ And as Dr. Herman Finer puts it, these conclusions in their framework are "representatives of non-voters everywhere."¹⁰

⁸ *Essentials of Self-Government*, by E. T. Powell, p. 245.

⁹ *Non-voting in Chicago*, by Meriam and Gosnell.

¹⁰ *Theory and Practice of Modern Government*, by H. Finer p. 341..

REASONS FOR NOT VOTING GIVEN BY NON-VOTERS INTERVIEWED.

Reasons.	Per Cent Distribution.
<i>Physical Difficulties :</i>	
Illness	12.1
Absence	11.2
Detained by helpless members of family	2.2
<i>Legal and administrative obstacles :</i>	
Insufficient legal residence	5.2
Fear of loss of business or wages	5.5
Congestion at polls	0.8
Poor location of Polling Booth	0.8
Fear of disclosure of age	0.3
<i>Disbelief in Voting :</i>	
Disbelief in Woman's Voting	7.8
Objections of husband	1.0
Disgust with politics	4.3
Disgust with own party	2.0
Belief that one vote counts for nothing	1.5
Belief that ballot-box is corrupted	0.7
Disbelief in all political action	0.4
<i>Inertia :</i>	
General Indifference	25.4
Indifference to particular election	2.5
Neglect, intended to Vote but Failed	8.4
Ignorance or Timidity regarding elections	7.1
Failure of party workers	0.9

Talking of India, we could probably account for non-voting because of "General Indifference", by a much higher percentage than indicated in the above table.

Elections are an exceedingly costly affair. According to the official figures, in Bengal alone cost of the elections to the government was as much as Rs. 16,80,402. The amount is large. The taxpayers pay it all. Certainly the amount justifies a greater

amount of keenness on the part of the citizens in regard to this costly show.

The cures indicated above to fight non-voting would go a long way. The act of voting should further be ennobled. Corruption should be put down. Liquor licenses should be suspended during polling. The women and the illiterate should be encouraged. The progress may be slow but the efforts should never be relaxed. Of course, "in any case there will remain a considerable groups of non-voters, such as those who are absent for long periods, those who are ill or institutionally confined."¹¹

¹¹ *Ibid.*, McCulloch.
F. 7

THE CONSTITUTIONAL VALIDITY OF RACIAL AND COMMUNAL BASIS OF RECRUITMENT TO PUBLIC SERVICES IN INDIA *

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The question of recruitment to Public Services in India on a racial, communal and class basis has received, during recent times, increasing attention in the country. This paper does not question the political, economic, or social advisability of such a basis, but merely examines its constitutional validity. It is not surprising that 'various communities and interests want access to posts of public authority and power,' but whether their claim as such is constitutionally admissible under the existing system of law, is an interesting problem for the constitutional lawyer.¹

Section 298 of the Government of India Act lays down certain fundamental rights:

- " (1) No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.
- " (2) Nothing in this section shall affect the operation of any law which—
 - (a) prohibits either absolutely or subject to exceptions, the sale or mortgage of agricultural land situated in any particular area, and owned by a person belonging to some class recognised by

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

¹ Principal C. L. Anand in his brilliant treatise on "The Government of India Act, 1935" is perhaps the first constitutional lawyer in the country to raise and develop this point in a logical manner.

the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or

- (b) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

“(3) Nothing in this section shall be construed as derogating from the special responsibility of the Governor-General or of a Governor for the safeguarding of the legitimate interests of minorities.”

It is interesting to note that a much longer list of fundamental rights had been favoured by the public opinion in India, but the Joint Select Committee believing that “they will either embarrass the legislature or be of such an obtruse nature as to be useless for all practical purposes” ruled out all except “one or two legal principles which might, we think, be appropriately embodied in the Constitution.”² Obviously, the fundamental rights guaranteed were intended to be effective.

Clause (1) of Section 298 is in no way new to the Indian Constitution. The fundamental rights guaranteed by it were first embodied in the Indian Constitution by the Charter Act of 1833, and confirmed not merely by the Queen’s Proclamation of 1858, but also by the Acts of 1915 and 1919. The Joint Committee had advised “to base it upon the existing sections of the Government of India Act (*i.e.*, of 1919).”

The earlier statutes had employed the word “disabled” in place of “ineligible” used in the Act of 1935. The variation though of degree rather than of kind is none the less significant, for “ineligible” is a stronger word and its use secure more for the subject. While the former statutes merely removed disability, the present one does more: it actually confers an eligibility or privilege, and declares him ‘legally qualified’ or ‘fit to be chosen.’³

As later Acts may be construed by the light of the earlier, though no longer in force, on the presumption that the legislature uses the same language in the same sense when dealing, at different times, with the same subject, Section 298, Clause (1), of the present Constitution ought to be read in the sense which it bore in the original Act from which it was taken.

² *Joint Committee Report*. Para. 366.

³ *Baker v. Lee*, 30 L. J. Ch. 631, 8 H. L. Ca. 495.

The Charter Act of 1833, an outcome of the spirit of liberalism and reform which swept through England at the time, was a determined effort to end the discrimination from which Indians had hitherto suffered. In explaining the provisions of the Act to the Governor-General, the Court of Directors expressed unequivocally:

“It is fitting that this important enactment should be understood in order that its full spirit and intention may be transfused through our whole system of administration.

“You will observe that its object is not to ascertain qualifications, but to remove disqualification The meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinction of race, or religion shall not be of the number; that no subject of the King, whether Indian or British or mixed descent shall be excluded either from the posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible consistently with the rules and agreeably to the conditions observed and exacted in the one case and in the other Fitness is henceforth to be the criterion of eligibility.”⁴

The explanation is plain, logical and conclusive. In her famous Proclamation of 1858, Queen Victoria, was equally emphatic:

“And it is Our further will that so far as may be, Our Subjects, of whatever Race or Creed, be freely and impartially admitted to offices in Our Service, the duties of which may be qualified by their education, ability and integrity, duly to discharge.”⁵

⁴ Mukherji, “*Indian Constitutional Documents*,” pp. 119. 120.

⁵ Neither the *Despatch* nor the *Proclamation* referred to had legislative authority. It may, therefore, be questioned whether these may be used in aid of interpretation of Statutes. There appears to be little doubt on this point. In the interpretation of Statutes, an interpreter, in order to ascertain all those external and historical facts which are necessary for the comprehension of the subject-matter, scope, and object of an enactment, may as

Distinctions of race, religion, or caste, as a test for access to public services were abolished and everyone was to be, to use Lord Morley's phrase, "King's equal subject." In actual practice, however, the law was either ignored or ingeniously evaded. There was nothing in the law to prevent the authorities from not nominating Indians, nor from prescribing impossible conditions for competitive examinations. Though compatible with the letter of the law, such devices virtually rendered Indians ineligible for higher services, for, as John Bright aptly retorted, there was no racial exclusions, 'only the Indians must be 8 feet 6 inches in height.'

More recently, however, not only the spirit, but also the letter of the law has also been infringed. At present there are few services in the country, recruitment to which is entirely free from racial, communal, and class tests. These rules have been framed by the Provincial and Central Governments in India as also by the Secretary of State for Services to which recruitment is made by them respectively. A few exceptions have no doubt been created by the Government of India Act, 1935. Thus Section 242 expressly requires the executive authority to secure a special representation for the Anglo-Indians in the Railway, Customs, Postal and Telegraph Services, and a fair representation of each community in the Railway Service. Recruitment to the Subordinate Judicial Services in the Provinces may also be on communal basis, according to Section 255 of the Act. And, this is all. No other Service is exempted. Rules based on racial or

regards ancient Statutes consult contemporary and other authentic works and writings, *vide* Maxwell's *Interpretation of Statutes*, Eighth Edition, p. 21. In the House of Lords, in 1898, Lord Halsbury admitted the *Report of a Royal Commission* to show the intention of the Parliament in making a change. Moreover, *Heydon's case* laid down the principle that in order properly to interpret a Statute it would be necessary to consider (1) what was the law when the Act to be construed was passed, (2) what was the defect or "evil" for which the old law did not provide, and (3) the remedy provided by the Parliament. *Ibid.*, p. 19.

⁶ In a confidential note Lord Lytton, the Viceroy, confessed in 1878, "We all know that these claims and exceptions never can or will be fulfilled. We have to choose between prohibiting them and cheating them, and we have chosen the least straightforward course. The application to natives of the competitive examination system as conducted in England and the recent reduction in the age at which candidates can compete, are all so many deliberate and transparent subterfuges for stultifying the Act and reducing it to a dead letter."

communal discrimination for recruitment to anyone of the other services lack constitutional validity.

The Provincial Governments, it may be suggested, are competent to fix communal proportions for entering into services under Clause (1)(b) of Section 52 or Clause (3) of Section 298 of the Government of India Act or by virtue of the Instruments of Instructions issued to the Governor.

Section 52 of the Act imposed upon the Governor, certain 'special responsibilities,' one of which being "the safeguarding of the legitimate interests." And,

"if and in so far as any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken."

Further, according to Section 50, Clause (3):

"If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment."

The terms of these sections though wide and vague cannot, however, be so construed as to give the provincial government the power to modify the fundamental rights embodied in Section 298, Clause (1). Neither the phrase "legitimate interests" nor "minorities" has been defined in the Act. "Legitimate interests," as Principal Anand points out, are not identical with legal interests, but are of wider significance.⁷ Sir Samuel Hoare understood them to mean "reasonable interests." The Joint Select Committee intended the formula "to secure some means by which minorities can be reasonably assured of fair treatment at the hands of majorities."⁸ The term "minority" is no less vague. The Joint Select Committee explained:

"No doubt it will be the five or six well recognised and more important minorities in whose interests the

⁷ Anand, p. 443.

⁸ *Joint Select Committee Report*, Vol. I, Part I, Para. 79.

Governor's power will usually be invoked, but there are certainly other well defined sections of the population who may from time to time require protection, and we can see no justification for defining the expression for the purpose of excluding them. We need hardly say that we have not in mind a minority in the political or parliamentary sense."

While it is clear that the "minority" is not to be understood in political or parliamentary sense, it is equally clear that a community or a class numerically a majority in the province or in the provincial legislature, cannot be regarded as a minority whose interests the Constitution, Section 52, Clause (b), requires the Governor to safeguard. This is borne out also by the words of the Instrument of Instructions, Clause X:

"Our Governor shall interpret his special responsibility for the safeguarding of the legitimate interests of minorities as requiring him to secure, in general, that those racial or religious communities for the members of which special representation is accorded in the Legislature and those classes of the people committed to his charge who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, cannot as yet fully rely for their welfare upon joint political action in the legislature, shall not suffer, or have reasonable cause to fear, neglect or oppression. But he shall not regard as entitled to his protection any body of persons by reason only that they share a view on a particular question which has not found favour with the majority."

But irrespective of what the terms "legitimate interests" and "minorities" might mean, it seems fairly certain that the Governor cannot in order to fulfil his special responsibilities give a racial, religious, or class bias to recruitment to provincial services. Clause (3) of Section 50(1) is indeed a very comprehensive one and places in the hands of the Governor enormous power of discretion and individual judgment. Yet, in the exercise of his discretion or individual judgment, the Governor cannot over-ride the express clauses of the Constitution. That the Governor can exercise his individual judgment in this respect is not denied, but what is being denied is that in his exercise of individual judgment he can effect a constitutional amendment.

The fulfilment of his duties is according to the laws and usages of the Constitution, and not according to the dictates of the Governor's impulses. He must act according to law, and not according to what he considers wise and equitable in the circumstances. Discretion according to Lord Halsbury must be exercised "according to law and not humour. It is to be, not arbitrary, vague, and fanciful, but legal and regular."¹⁰ "The idea of a discretion," says Robson,¹¹ "which is to be exercised, not in a capricious and impetuous way, but in a disciplined and responsible manner, is a conception, which has had a wide application in English law and politics." The Governor must use his individual judgment to carry into effect in the best way the purposes of the law and cannot by "administrative evasion" attempt to override the Statute. It is hardly conceivable that the Governor will not have a policy, but it is imperative that the policy must not be devoid of legal basis. "Where, as in a multitude of Acts, something is left to be done according to the discretion of the authority on whom the power of doing it is conferred, the discretion must be exercised honestly and in the spirit of the statute, otherwise the act done would not fall within the statute."¹² Lord Esher has aptly stated that the discretion must be used without taking into account any reason which is not a legal one.¹³ The Highway Act, 1835, (C.50), which authorised the Justices of the Peace, on a complaint made to them against the road surveyor's accounts, to hear it at a special session and, "make such order thereon as to them should seem meet," was construed not to authorise them to allow illegal expenses forbidden to be incurred by Section 46 of the Act.¹⁴

The Government of India Act of 1935, Section 298, Clause (1), confirms certain fundamental principles laid down in all Indian Constitutions since 1833. And, to quote Maxwell again, "It is in the last degree improbable that the legislature would overthrow fundamental principles, infringe rights, or depart from the general system of law, without expressing its intention with irresistible clearness, and to give away any such effect to general words, simply because they have a meaning that would lead

¹⁰ *Sharpe v. Wakefield* (1891) A. C., p. 179.

¹¹ *Justice and Administrative Law*, p. 229. Keir and Lawson, p. 130.

¹² Maxwell's: *The Interpretation of Statutes*, Eighth Edn., p. 111.

¹³ *Ibid.*, p. 112.

¹⁴ *Ibid.*, p. 112. *Barton v. Piggott*, 44 L. J. M. C. 5,

thereto when used in their widest, their usual, or their natural sense, would be to give them a meaning other than that which was actually intended.”¹⁵ Similarly, it is unlikely that the judiciary would hold, in the absence of clear and unambiguous words or necessary implication, that the legislature in authorising a particular course of action, intended that the private rights of the subject, guaranteed by the Constitution, should be interfered with. The presumption at any rate would always be in favour of the individual and against the public authority, and judicial interpretation in such a case must be within the narrowest limits.¹⁶ Lord Shah’s dissentient judgment in *Rex v. Halliday* is not most illuminating:

“The appellant has been (1) interned, (2) without a trial, (3) because he is of hostile origin or association. Parliament never said in words any one of these things. They are and are alone inferences—inferences from the delegation of a power, a power to make regulations for safety and defence (according to the Defence of the Realm Acts, 1914). As to what may be done under such a power may be a matter of far reaching inference and wide and deep speculation, but these things do not touch the literal rule, the rule as to the grammatical and ordinary sense of the actual words employed in the Act itself—the rule of Lord Wensleydale in *Grey v. Pearson*, (1857) 6 H.L.C. 61, 106. That rule does not go far in any case of difficulty; but, in so far as it may be held to have a bearing on this case, it leaves conspicuous force to the observation that if Parliament had really meant to sanction internment without trial for the cause assigned, it could have said so without the slightest difficulty, and not left a point which, I think, is so fundamental to be reached by inference.”¹⁷

Exceptions to the fundamental rights, under discussion in this essay, and guaranteed by Section 298, are explicitly and most

¹⁵ *Ibid.*, p. 73.

¹⁶ Keir and Lawson. *Cases in Constitutional Law*. 2nd Edition, p. 125. Also Maxwell, p. 155. On page 249, Maxwell wrote “Statutes which encroach upon the rights of the subject, whether as regards person or property are subject to a strict construction . . . It is a recognised rule that they should be interpreted, if possible, so as to respect such rights.”

¹⁷ *Rex v. Halliday*. *Exparte* (1917) A.C. 260.

precisely stated in Sections 242 and 255. Had the Governor been competent freely to override the fundamental rights by virtue of his constitutional power, there would have been no necessity for the inclusion of such exceptions. That the legislature expressly defined and provided for certain exceptions is a sure indication that it never intended to confer upon anyone the general power to derogate from the fundamental rights. This is all the more so as the exceptions are intended to favour certain minority communities. Otherwise Sections 242 and 255 become surplusage. There is nothing to show that the legislature had any such intentions.

Construed literally, the phrase "individual judgment" admits of infinite extensions or restrictions. But as Lord Selborne has admirably put it, "The more literal construction ought not to prevail if it is opposed to the intentions of the Legislature, as apparent by the Statute."¹⁸ Where alternative constructions are open, that alternative is to be chosen which will be more consistent and harmonious with the object in contemplation.¹⁹ Here two interpretations are possible: one of conformity and compatibility and the other of repeal and repugnance; one which conserves an established policy of the law, and corresponds with the principles embodied in Section 298, the other which overthrows and infringes fundamental rights, rescinds by mere side-wind another part of the Statute especially designed to assure the individual of a definite civil right. In such cases the general presumption must be against the latter interpretation, for, the legislator must be supposed to be consistent with himself and, if in one place he has expressed his intention clearly, in the absence of an equally clear indication, it ought to be presumed that he is still of the same mind at another place.²⁰

The Governor has no doubt the sole power to define his special responsibilities. He is the ultimate judge of what falls within his discretion or individual judgment. But this does not imply that the Governor has the power to take *any* action at his discretion. He is free to interpret the range of his special responsibilities, but his action is determined by the Constitution. He must remain within the Government of India Act, 1935, from which he derives his powers. No clause of the Constitution empowers him to violate it. If the law were to permit recruit-

¹⁸ *Caledonian Ry. Co. v. No. British Ry. Co.* (1881) 6 App. Cas. 114, 122.

¹⁹ *Shannon Realities v. St. Michel* (Villede) (1924) A. C. 185, 192.

²⁰ Maxwell, p. 139.

ment to public services on a basis of race, religion, or class, in order to safeguard the legitimate interests of minorities, the exception would swallow up not merely the fundamental rights of the individual but all the principles of the Constitution. The Governor under this clause of the Constitution might over-ride almost any section of the Act. On the plea of protecting minorities the Governor might throw to the wind the guarantees given to the civil servants, or prevent the High Court from performing its judicial functions, disregard instructions issued to him under the Act by the Secretary of State, extend the life of a Provincial Assembly beyond the statutory maximum of five years; and modify the Communal Award. In fact, the list of such hypothetical cases could be long enough to fill a volume. But such a thesis is untenable. For, under written and rigid constitutions the fundamental laws cannot be altered in the "ordinary manner." The powers of the authorities in India—the Governor-General, the Governor, the Indian and Provincial Legislatures are derived from the Government of India Act. No doubt the Governor-General and the Governors have wide discretionary powers, but these must be read within the Constitution which does not authorise them while the provisions of the Act remain unaltered to make laws inconsistent with it. Section 50, Clause (3), and Section 52, Clause (3), merely refer to the scope of the Governor's authority under the Constitution. They do not effect its fundamental character. The text is plain alike in what it directs and what it forbids. The Governor has only those powers which fall within the scope of provincial Governments. He has no powers beyond that limit. "He cannot do anything which the provincial governments may not do."²¹ The Provincial Governments do not enjoy the power to qualify the operation of Section 298. If the provincial governments could do so, what, it may be asked, would be the value of the fundamental rights guaranteed by the Constitution. It has been evident from the working of the Constitution, that where the Cabinet is supported by a well defined and compact majority in the legislatures, the Governor cannot, without facing an impasse, soluble only by the suspension of the Constitution, exercise special powers against its advice. Lord Lothian during the constitutional deadlock consequent to the refusal by the Congress to accept offices after the general elections of 1937, opined:

"It would be most difficult for the Governor not to follow the advice of his Ministry, because to reject it might

²¹ C. L. Anand, p. 445.

be greater menace to peace and tranquillity than to accept it."

Later events have amply borne this out. Under these circumstances, it is imaginable that a strong and solid Cabinet in power may ordain such communal proportions for recruitment to services as may be heavily dived in favour of one of the communities and to which the Governor for fear of precipitating a crisis may give his acquiescence. Surely, the Fundamental rights were not so insecurely founded in the Constitution.

It may be further argued that the Governor can make rules for reservation of offices on racial or communal basis by virtue of Clause (3) of Section 298, which runs as follows:—

"Nothing in this Section shall be construed as derogating from the special responsibility of the Governor-General or of a Governor for the safeguarding of the legitimate interests of minorities."

But a closer examination of the Clause reveals that it has nothing to do with Clause (1) of the Section and has, therefore, no effect on it. The proviso was intended to apply exclusively to, and to cut down the scope of Clause (2). The original Bill passed by the House of Commons contained no such proviso, and was included at the insistence of the House of Lords for reasons put forth by the Joint Select Committee in its report:²²

"This proviso is intended to cover legislation such as the Punjab Land Alienation Act, which is designed to protect the cultivator against the money-lender. This is no doubt a desirable object. Inasmuch, however, as the full effect of the proviso cannot be foreseen and may have the result that the legitimate interests of minorities may be impaired while they are denied the right of appeal to the courts for redress, we think that, in cases, where the legitimate interests of minorities may be adversely affected and access to the courts is barred by this proviso in the Constitution, the Governor should consider whether his special responsibility for the protection of minorities necessitates action on his part."

Obviously, Clause (3), saves nothing from the operation of the principles embodied in clause (1). It merely creates a safe-

²² Para. 368.

guard in favour of the minorities where clause (2) has deprived the subject of any recourse to the Judiciary. That is, the discretion vested in the Governor was intended to protect the legitimate interests of minorities against any possible abuse of powers by the Provincial Legislatures in respect of agrarian legislation which could not be questioned before the Courts on any ground of discrimination forbidden by Sec. 298, Clause (1): The discretionary power was provided to cover cases ousted from the jurisdiction of the judiciary but not to take away or restrict such jurisdiction where it did exist.²³

Finally, it may be argued that such rules can be framed by the Governor on the authority of the Instruments of Instructions issued to him by the Crown. These instruments, no doubt, require the Governor "to secure a due proportion of appointments in services to the several communities." But to do so he must remain within the law. That is, he must not infringe the fundamental rights guaranteed by Section 298, Clause (1) save in the manner allowed by Sections 242 and 255. The Instruments are issued by the Crown by virtue of his prerogative powers and as such cannot prescribe or alter the law to be administered by the Courts.²⁴ Parliament and Parliament alone can amend the Constitution. And further:

"Where a matter has been directly regulated by Statute there is a necessary implication that the Statutory

²³ Lord Lothian in proposing the Amendment said: "The Amendment is simply to make it quite clear that if the Constitution does bar access to the Courts on the grounds of discrimination, the special responsibility of the Governor to intervene, if he thinks there is legitimate interference with the right of minorities, shall enable him to intervene." *House of Lords Debates* 1934-35, Vol. 97, p. 1324.

Mr. Butler, in moving that the amendment proposed by the House of Lords be accepted by the Commons, explained: "The object of the Amendment is to ensure that the Clause as drafted cannot be construed as absolving the Governor-General or the Governor from his duty in regard to safeguarding minorities in respect of anything done in virtue of the Proviso to Sub-Section (2) under the Punjab Land Alienation Act or similar legislation, if the effect of such legislation would in his opinion result to the deterioration of a minority. It is to prevent the interests of minorities being hurt by the operation of a law of that sort that the Amendment is made." *House of Commons Debates*, 1934-35, Vol. 304, p. 2596.

²⁴ It is not denied that the Instrument of Instructions is devoid of all parliamentary sanction, for it is approved of by the two Houses of Parliament. In spite of this, however, the Instru-

regulation must be obeyed, and that as far as such regulation is inconsistent with the claim of a Royal Prerogative right, such right can no longer be enforced. Otherwise, what use would there be in imposing any regulations and restrictions, if the Crown could at its pleasure brush them all aside and fall back on Royal Prerogatives?"²⁵

Whatever has been said above would be equally applicable, after the commencement of the Federation, to any rules made by the Governor-General for the reservation of Federal Services, on racial, communal or class basis. The Government of India Act, 1919, did not empower him either to discriminate in this manner. A long series of rules may thus be challenged as *ultra vires*.

Nor is the Secretary of State competent, under the provisions of the Act of 1935, to regulate recruitment on racial or religious basis. The Act does not impose upon him any special responsibility to protect the legitimate interests of minorities or to secure a due proportion of appointments in the All-India Services to the several communities. He is no doubt given the power to make rules for recruitment to these services, but such rules cannot be repugnant to the express terms of the Constitution. This was true also under the Government of India Act, 1919, and all such discriminatory rules made by the Secretary of State could be challenged in the courts of law.

It is evident, therefore, that ineligibility to any public office in India, on account of caste, colour, or creed, is unconstitutional. If, however, the authorities consider it advisable to reserve seats for certain communities or classes, the Parliament must be requested to pass the necessary legislation to make it legally possible.

ment, according to the Lord Chancellor, is a prerogative document. *Vide Parliamentary Debate* Ind. App. House of Lords, Vol. I, 1934-35, Col. 663.

²⁵ Attorney-General *v.* De Keyser's Royal Hotel (1920) A. C. 508 at p. 576.

CONSTITUTIONAL POSITION OF THE ORISSA STATES*

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I

With the introduction of the reforms the proverbially placid life of the Indian states seems to have been violently disturbed. The provision in the Government of India Act, 1935, for a federation in which the states will play a significant part, has roused their people and rulers to a sense of their importance of which they were oblivious so far. It has created a feeling of pride in the rulers and a political awakening in their subjects. The consequences have been rather alarming to the former. Further the ideas of liberty and democracy surging around them have evoked new aspirations and induced unforeseen activities amongst the state-subjects. They appear to have suddenly developed a new outlook, into which have been telescoped some of the most dangerous ideas of the times. They want certain basic rights, redress of age-old grievances, restriction of the autocratic will of their rulers and a complete reversion of the existing order. The rulers have suddenly found themselves in an uncomfortable situation. The result has been an electric atmosphere; and I remember how in May, 1938, the first sparks were lighted when a meeting in protest of the acts of the ruler of a state in the Eastern States Agency, was held. It was regarded as a grave breach of law by the authorities. Little things assumed serious proportions; one unfortunate incident followed another; and there was an outburst of discontent throughout the state. The ordinances issued by the ruler, the defiant attitude of the people, their readiness to court arrest and imprisonment, their quiet submission to all sorts of sufferings clearly indicated that things were not all right. The people appeared to have determined for a change of the existing order of things. They had taken courage in both their hands and were out to claim what they asserted was theirs. And yet for centuries they were not aware of it. From those first sparks to the murder of Major Bazalgette is a period

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

punctuated by a series of painful incidents—all suggestive of a grim struggle between the medieval-minded rulers and their newly awakened subjects. Since then much has happened to arrest the attention of India like the exodus of Dhenkanal refugees, Gangpur firing, etc., into the details of which we need not enter. But they raise certain fundamental issues of political obligation subsisting between the states-rulers, the states-subjects and the paramount power, *viz.*, the British Government. How far, for example, are the states' subjects justified in their demands? how far is the Paramount power justified in supporting the states' rulers under these conditions of popular discontent? and how far are these rulers justified in resisting their subjects' demands and maintaining a *status quo*? These are questions which trouble the politician and the administrator but may have a different appeal to us. As students of Political Science we may address ourselves to an examination of the constitutional position of these rulers in relation to the Paramount Power and whether that position could be modified in the light of the demands so grimly registered by the state subjects.

II

This makes an appeal to history rather imperative. The Eastern States Agency, as it exists to-day, and of which Orissa states form a part is of recent origin, having been created on April 1, 1935, under an Agent to the Governor-General with headquarters at first at Ranchi and now at Calcutta. Its present constituents are a large number of feudatory states of which twenty-six were formerly under the Government of Bihar and Orissa, fourteen under the Central Provinces and two under Bengal. Speaking of Orissa states it may be noted that though some of them are very small they have a history going as far back as the Maratha times. They owed allegiance to the Bhonsla of Nagpur till 1803. That year when Orissa was conquered by the East India Company from the Bhonsla of Nagpur the Rajahs of these states transferred their allegiance to and entered into treaties and engagements with the East India Company. Lt.-Col. G. Harcourt and Mr. J. Melville signed these engagements on 22nd November, 1803, on behalf of the Company with the Rajahs of Kaniká, Kujnag, Khurdá, Aul, Tigiria, Dhenkánál, Ranpur, Barámbá, Khandpará, Nayágarh, Banki, Talcher, Dasapallá, Athgarh, Harishpur, Bishanpur, Marickpur, Nilgiri, Puttea, Hindol, Angul, and Sukinda. They were not brought under the regular administration and allowed to follow their own methods

most probably out of considerations of expediency. They remained under the nominal control of the Judge and Magistrate of Cuttack and were completely exempted from the general Regulation system by sections 36, 13 and 11 respectively of Regulations XII, XIII and XIV of 1805. In 1814 a Superintendent was appointed to establish such a control over the Rajahs as would prevent the commission of crimes and outrages. The Superintendent was also the Commissioner of Orissa division, under whose control the Rajahs administered civil and criminal justice but without power to inflict more than two years imprisonment or capital punishment. The Superintendent was helped by the Magistrates of Cuttack, Puri and Balasore as his ex-officio assistants along with another full time Assistant to whose courts he transferred cases for trial.

In 1821 the Government ruled that the interference of the Superintendent should be chiefly confined to matters of a political nature. He was to put down feuds and animosities between the chiefs themselves or between the Chiefs and their subordinate feudatories; he was to protect the inhabitants against the cruelty and oppression of the Chiefs and their officers; he was to see to it that they did not deviate from their loyalty and allegiance to the Paramount Power. In consequence of these provisions the grip of the Paramount Power was tightened and the feudatory chiefs were substantially reduced to the position of landed proprietors or Taluqdars of British India. In 1839 it was proposed that these states should be taken under the regular administration of the Company but the Bengal Government showed itself unwilling to adopt any permanent or definite rules about them. The Rajahs were still amenable to the Superintendent as also to his general control. Under the orders of the Government of India, dated December 18, 1860, the Indian Penal Code was declared applicable to these states and under Bengal Government orders of March 11, 1863, they were asked to be guided in their judicial proceedings by the spirit of the Criminal Procedure Code.

On March 11, 1862, these Chiefs were granted Sanads by the Governor-General which entitled them to adopt heirs on the failure of natural heirs subject to the approval of the Government of India. Fresh Sanads issued on May 21, 1874, by the Governor-General conferred on them the title of Rajah as a hereditary distinction. Up to 1888 these feudatory states were regarded as forming a part of British Orissa. But that year it was decided by the Secretary of State in Council in accordance with a ruling of the High Court in the case of Mayurbhanj that Orissa states did not form part of British India. Consequently

new Sanads were granted again to the Rajahs on October 27, 1894, defining, for the first time, their status, powers and position.

III

They were henceforth to exercise limited powers in their internal administration as will be evident from the Sanad given below:

Whereas the status and position with reference to the British Government of the Tributary Mahal of.....in Orissa has hitherto been undefined, and doubts have from time to time arisen with regard thereto; His Excellency the Viceroy and Governor-General in Council is pleased to grant to you Raja..... the following Sanad, with a view to assuring you that the British Government will continue, as long as you remain loyal to the Crown and abide by the conditions of the sanad, and of your other engagements with the British Government, to maintain you in the position and privileges which you have heretofore enjoyed or which are now conferred upon you:—

SANAD

I. You Raja.....son of Raja..... are hereby formally recognised as the Feudatory Chief of theState, and you are permitted, as heretofore, to generally administer the territory of the said.....state, subject to the conditions hereinafter prescribed. In like manner your heirs and successors shall become entitled to your privileges, and liable to your obligations; provided that no succession shall be valid until it has been recognised by His Excellency the Viceroy and Governor-General in Council.

II. You shall continue to pay the tribute or peshkash of rupees per annum, which you and your predecessors have heretofore paid.

III. You shall try in your Courts all criminal cases occurring in your territory (1) except those in which Europeans are concerned, and (2) heinous offences, such as murder,—homicide, Dakaiti, robbery, and torture. You shall refer the cases excepted above for disposal to the Superintendent of the Tributary Mahals or to such of his Assistants as he may indicate. *Sentences passed by you on criminal offenders* shall be regulated by the instructions issued from time to time for your guidance by His Honour the Lieutenant-Governor of Bengal, and *shall not exceed* (unless His Honour is pleased to entrust you with more ex-

tensive powers, in which case you shall be entitled to exercise such further powers in the manner, to the extent, and subject to the conditions; if any, which His Honour may prescribe) *in the case of imprisonment, a term of two years, in the case of fines, a sum of one thousand rupees, and in the case of whipping, thirty stripes.* All orders passed by you in criminal cases shall be subject to revision by the Superintendent, to whom you shall send the records of any case for which he may call.

IV. You shall deliver up any offender from British or other territory, who may take refuge in your State. You shall aid British Officers who may pursue criminals into your territory, and, in the event of offenders from your own state taking refuge in British or other territory, you shall make a representation on the matter to the authorities concerned.

V. You shall administer justice fairly, and impartially to all alike.

VI. You shall recognise and maintain the rights of all your people, and you shall on no account oppress them or suffer them to be in any way oppressed.

VII. You shall levy no transit duties on grain, merchandise or any article of commerce passing through your State.

VIII. *You shall consult the Superintendent of the Tributary Mahals in all important matters of administration and comply with his wishes...The settlement and collection of the land-revenue, the imposition of taxes, the administration of justice, arrangements connected with excise, salt and opium, the concession of mining, forest and other rights, disputes arising out of any such concession, and disputes in which other States are concerned, shall be regarded as specially important matters, and in respect to them you shall at all times conform to such advice as the Superintendent of the Tributary Mahals may give you.*

IX. The right to catch elephants in your State is granted to you as a personal concession and as a matter of favour, but the concession is liable to withdrawal whenever it may seem desirable either on account of abuse or for other reasons, and it will not necessarily be granted to your successor.

X. All questions as to boundaries between your State and British territory will be dealt with by the Superintendent of the Tributary Mahals or such other officer as His Honour the Lieutenant-Governor of Bengal may appoint either generally or special-

ly, in that behalf, with two assessors, one to be appointed by yourself and the other by His Honour the Lieutenant-Governor, unless in any such case you should prefer that the question should be decided by such Superintendent, or other officer alone, in which case the question shall be referred to for his decision accordingly.

Simla :

The 27th October 1894.

Sd/- ELGIN,

Viceroy and Governor-General Of India.

Seal of the Governor-General of India in Council.

This clearly points to the inference that the Rajahs of Orissa did not possess what has been called internal sovereignty meaning thereby independent powers of internal administration. Though they did not form a part of Orissa according to the ruling of 1888, yet there was nothing in the nature of a legal difficulty which could prevent a revision of their Sanad and redefinition of their status. At different times Sanads have been revised as in 1905, 1915, 1919, 1927 and 1937 and also certain states like Khurda (1805) Banki (1840) Angul (1848), etc., have been deprived of their status and have been incorporated into British Orissa. In the light of these inferences we may study the latest Sanad granted to the states (excepting the bigger ones like Mayurbhanj) by the Viceroy on February 26, 1937.

SANAD

“Whereas it appears to the British Government that the time has come when the existing restrictions on the judicial and administrative power of the State of may be modified, His Excellency the Viceroy is pleased to grant you, Raja this Sand with a view to assuring you that, so long as you remain loyal to the Crown, the British Government will continue to maintain you in the position and privileges which you have heretofore enjoyed and to permit you to govern your own territory subject to the conditions hereinafter prescribed. In like manner your heirs and successors will become entitled to your privileges and liable to your obligations.

(1) That you shall pay to the British Government regularly Rs. per annum.

(2) *That you shall exercise full civil and criminal jurisdiction except that sentences of death, transportation and imprisonment for life shall be referred for confirmation to the Agent to the Governor-General, Eastern States, or such other Political Officer as may be vested with authority in this behalf by His Excellency the Viceroy.*

(3) *That you shall do your utmost to suppress crimes of all kinds in your State.*

(4) *That you shall administer justice fairly and impartially to all alike.*

(5) *That you shall recognise and maintain the rights of all your people and on no account oppress or suffer them in any way to be oppressed and that in particular you shall charge yourself personally with the welfare of the aboriginal population of your State.*

(6) *That you shall act in accordance with such advice as may be given to you by the Agent to the Governor-General Eastern States, or such other Political Officer as may be vested with authority in this behalf by H. E. the Viceroy.*

SD/— LINLITHGOW,

Viceroy and Governor-General of India.

IV.

This sanad emphasises two very significant facts. Firstly the rulers were to exercise "full civil and criminal jurisdiction" except that sentences of death, transportation and imprisonment for life be referred to the A. G. G. or his assistant Political Officers. There is also a substantial increase in their Judicial and administrative competence which raises their prestige, invests them with immense power for mischief, and makes them virtually independent in their internal administration.

Secondly, the rulers have been exhorted to "recognise and maintain the rights of" people. This also formed the sixth clause of the Sanads granted in 1894. This clause appears to write the charter of popular liberty and affords a scope for public opinion. If these inferences are correct then, the administrative genius of Orissa rulers are put to a severe test. They have power to exercise full civil and criminal jurisdiction. But the terms of the sanad require that they "shall administer justice fairly and impartially to all alike." This is not an easy job. It

demands adequate provision for purposes of justice and maintenance of a full complement of judicial staff. The urgency of this need has already been felt by the rulers. For in their Conference held in Bombay on June 10, 1939, they unanimously resolved that "special efforts should be made to have (i) clear and codified laws ensuring a reign of law for the states (ii) judiciary properly manned by qualified law graduates or by persons with recognized judicial training and integrity, and (iii) efficient and adequate police force, supervised by competent officers with effective modern arms and equipment." But all this is a costly adventure. For the slender resources of these small states of Orissa whose income averages between a few thousand a few lacs may not be at all adequate for that purpose.

Next, the provision that rights of the people have to be recognized, may prove uncomfortable for the rulers and even dangerous to their interest. For example no one could deny that the people have a right to have medical relief, to have education up to a particular stage, to have facilities for communication. These require institution of several departments elaborately organized and adequately staffed and that needs expenditure of large amounts of money, which again may not be available at all. The personal expenses of the ruler, very often swallow up the bulk of the state revenue. There is no "clear demarcation between the expenditure of the Ruler and the State expenditure," which forms the third resolution of the Conference of the Princes held in Bombay on 10th June, 1939. Besides that some of the fundamental rights like those of life, liberty and property, freedom of expression, freedom of association etc., have to be recognized if the terms of the sanad are respected. And already the insistence of the state subjects for these rights has, as we described at the outset, engendered a vitriolic temper on both sides, with consequences as painful as the murder of Major Bazalgette and as unfortunate as the Gangpur firing.

Can it, therefore, not be suggested that since the resources of the state are so small, because their areas and populations are so small, it is futile to expect the rulers to build up a modern machinery of administration with a full complement of the judiciary, executive and legislature. It may be perhaps far less difficult to change the sanads of these states and treat them as Kanika, Angul, Khurda, etc., have been treated; *i.e.*, bring them under regular administration of British Orissa. That is what the Orissa States Enquiry Committee has opined. "In our opinion," they say, "the abolition of the small states as separate units alone can remove the intolerable condition of the subjects

of these states. We do not think that 'any change of heart' on the part of the Ruler or the substitution of a 'bad' ruler by a 'good' one will make an appreciable difference. The oppressive conditions prevalent in the small states cannot be removed by personal effort of any Ruler, even if he desired their removal as they are vital to the existence of such states as separate units."

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PROVINCIALISATION OF THE STAFF OF LOCAL BODIES*

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There has been, for some time, a general dissatisfaction with the working of local bodies in India.¹ The complaint has become universal that judged by results local self-government has not been much of a success. This view is held not only with reference to rural boards but also with reference to urban municipal councils. Judged by the test of success and accomplishment it may be that even provincial and central governments will be found not to acquit themselves quite creditably. The gulf that separates what ought and could be achieved from what is actually achieved is wide at all levels of government. In spite of this no one is found to condemn the existence of governments at the higher levels while a large number not only speak bitterly of the local bodies and their failure but also advocate their abolition or the taking away from them of many of the functions which they are carrying on at present. It is forgotten by critics of this type that the method of administering certain affairs and services through the agency of self-governing local bodies has a value in itself especially in a country which is either democratic or which aspires to become a democracy. It is not however proposed to go here into this aspect of the question as it has been dealt with by the author elsewhere.² It is assumed here that autonomous local bodies constituted on an elected basis should continue to function; and the problem to be considered is how best to enable

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¹ *Report of the Indian Statutory Commission* Vol. I. Para 353; *The Hartog Committee's Review of the growth of Education*. Chapter XVI. *Report of the Primary and Secondary Education Re-organisation Committee* appointed by the government of the United Provinces, 1939. Chapter XII.

² *The Development of Local Boards in the Madras Presidency*. (The Local Self-Government Institute, Bombay). Especially Chapter VI. Re-organisation of Local Self-Government—*The Indian Journal of Political Science* Vol. I—No. 2.

them to achieve better results than what they have done so far. These results depend, in the main, on three major factors—the policy pursued by them, their financial resources, and the staff they employ. It is true that there is a certain amount of interconnection among these factors but for purposes of convenience of study they may be separated especially in view of the fact that each has some peculiar characteristics of its own. Policy decides what deserves to be done and lays down a plan of action. It is in this field that elected bodies have the greatest scope to show their individuality. Financial resources provide them with the materials required to execute the plan. The staff supplies them with the necessary administrative and technical knowledge and skill to utilise the materials in the execution of the plan and in accordance with the policy decided upon. The success or failure of local bodies is ultimately traceable to the wisdom or foolishness of their policy, the richness or the poverty of their resources, and the adequacy and competence or the inadequacy and incompetence of their staff. It is with the last factor that this paper proposes to deal; and even here with only one aspect of it, namely how far the inadequacy and the incompetence of the staff can be removed by a scheme of provincialisation.

The need for provincialisation arises from a number of defects and difficulties inherent in a system under which each local body however small it may be, is regarded as a separate, independent and self-contained unit so far as the recruitment, the salaries, the promotion and the discipline of its staff are concerned. The smaller the size of a local body and the poorer its resources the more serious are these defects. In the first place, there is a general tendency among all elected bodies to regard administration as a sphere in which the amateur can be a success and they are apt to leave in the hands of elected laymen a number of functions really demanding trained and specialised ability. The history of the chief executive officer in Indian local bodies during the last seventy years amply illustrates this point.³ This accounts for the anxiety on the part of elected chairmen of municipal councils and District Boards to discharge executive duties, and their opposition to the policy of the government to appoint whole-time salaried executive officers. In the second place, even when the need for some kind of technical skill is felt, elected bodies tend to entrust such work to honorary officials or to such of their members as have a claim to possess the technical knowledge.

³ The author's paper *The Problem of the Executive* in "Local Self-Government Review," Delhi Vol. III, No. 2.

The services of doctors, engineers, teachers and other professional men who happen to be elected to local bodies and who have only a small amount of spare time are considered good enough for work of this sort. In the third place, most of the local bodies are poor. In several cases this is due to their entertaining antiquated ideas about taxation that money in the pockets of private individuals is more fruitful than that in the treasuries of government⁴ and their consequent unwillingness to exercise in full the powers of taxation conferred on them. It is also partly the outcome of their unwillingness to embark on public utility enterprises of a profitable character. While in a country like England the total revenue of all local authorities was £553,000,000 in 1933-34 the revenue of the local bodies in a province like Madras which is more or less of the same size as England was about Rs. 770 lakhs in 1937-38. The average income of a local body being so low it is impossible for most of them to employ either an adequate or a competent staff. The salaries they offer are bound to be low and future prospects for entrants into their service not very attractive. The existence of a few richer bodies in their neighbourhood is no consolation as long as each local body is a self-contained unit without the opportunity for employees under one board being transferred to another.⁵

The above defects are inevitable even on the assumption that local bodies are swayed by high standards of integrity and honesty. They are not peculiar to India but are found everywhere else, though owing to the comparative greater poverty of Indian local bodies the difficulties here are more serious. But the assumption referred to above does not hold good. Jobbery, nepotism and corruption are found to exist to a considerable extent in India and these make the situation much worse and contribute to the inefficiency of the staff employed. Critics of local administration in India have held this opinion for a long time and that there is much truth in it is brought out by the recent report of the Local Self-government Committee appointed by the United Provinces Government. Referring to the existing conditions of service the Report states as follows:—"There is a general feeling of growing dissatisfaction with the existing conditions of service under the local boards. We have received numerous complaints that under the present system nepotism; jobbery and favouritism are frequently practised in making

⁴ Compare Prof. H. O. Meredith on Rates and Taxes in the *Economic Journal* (London), September 1939.

⁵ Finer: *English Local Government*. P. 31.

appointments and promotions and little or no regard is paid to merit and fitness of candidates. There is also the complaint that the power of boards in respect of dismissal of their servants are too often abused by them. In local boards where there are party factions and these are not few—many servants have been forced to take part in intrigues and personal bickerings of members to get themselves in the good books of the party in power. All this has caused incalculable harm to the public interest and it has brought about insecurity and inefficiency of the service as a whole.⁶

Provincialisation is proposed as a remedy for the above defects and difficulties. In order to understand its full implications it is necessary to note at the outset that it may assume two forms—a simple one and a more comprehensive one. In its simple form it merely means the exercise of control by the provincial government over the local bodies within its jurisdiction in some or all the matters relating to the appointment, salaries, etc., of their staffs without any attempt to link up the staff of one local body with that of another. Under this form each local body will continue to function as a separate self-contained unit so far as its staff is concerned. In its more comprehensive form provincialisation means something more than this and involves the treatment of all local bodies in the province as forming a single unit for purposes of their staffs and the setting up of a central organisation for their recruitment, postings and transfers, promotion and discipline. Though the staffs are employed in particular local boards they will cease to be the servants of those boards and become the employees of the central organisation. As a consequence of this the boards will be restricted to the making of policy and the passing of resolutions and by-laws, and the execution of these policies will be left in the hands of a civil service independent of them and controlled by a body external to them.

The position in India to-day is that provincialisation in its simpler form is already in existence and there are also the beginnings of provincialisation in its more comprehensive form. The conditions prevailing in the province of Madras may be taken as a sample to illustrate this point (1) The City Municipal Act⁷ and the Districts Municipalities Act⁸ provide for the appointment of commissioners by government in the city municipality of

⁶ Report Part II P. 17. Para 41.

⁷ Sections 4 and 7—18.

⁸ Sections 12—C, 13—A.

Madras and in the other municipal towns; and it is in the commissioners that all the executive powers are vested. This removes the first of the defects referred to above. It is only in the District Boards that the elected presidents still continue to be executive officers. This is a serious anomaly as district boards require to a greater extent the services of a trained whole-time officer due to the wider extent of their area and the larger staff they have to control. But the principle of separating the policy making function from the executive function is already accepted and sooner or later it will be extended to District Boards also (2) The several Acts relating to local government in the province also provide for certain officers and heads of departments being compulsorily appointed by the local bodies.⁹ Health Officers, Engineers, Revenue Officer of the city municipality, Panchayat officers, etc., fall into this category. Their qualifications and salaries and the conditions of their appointment and removal are regulated either by statute or by administrative orders. (3) In certain directions the Local Boards Act and the District Municipalities Act go even further and give to the Provincial Government a general power to fix or alter the number, designations and grades of, and salaries, fees and allowances payable to, the officers and servants of any local authority, and even where the power of making a specific appointment is given to the executive officer or to a special committee of a local authority the provincial government has the power of making rules in accordance with which appointments have to be made.¹⁰ In pursuance of these sections in the Acts several orders have been issued from time to time prescribing qualifications for several posts in Municipal and Local Board Service and rules for their appointment and punishment.¹¹ The net effect of these various statutory provisions is that the autonomy of local bodies in determining the numbers and the nature of their staff has practically disappeared, and provincialisation in its simpler form is complete. Even where the chief executive officers or the elected bodies exercise original powers over their staff, appellate powers are vested in the Provincial Government.

⁹ City Municipal Act Section 85; The District Municipalities Act. Section 71; The Local Boards Act Section 68.

¹⁰ L. B. Act Section 70; D. M. Act Section 73.

¹¹ G. O. 4448 L. and M., dated 28th October, 1935.

G. O. 3648 L. S. G., dated 18th August, 1936.

G. O. 2342 L. S. G., dated 2nd June, 1936.

Beginnings have also been made in introducing provincialisation in its more comprehensive form. The Commissioners of Municipalities, the Secretaries of District Boards, the Panchayat Officers, the superior branches of the Engineering and the Health Services belong to-day to the Provincial cadre, practically independent of the local authorities which they serve. Ample provision also exists in law for the provincialisation of the rest of the local and municipal staff. Under section 77-A of the District Municipalities Act the Provincial Government is empowered by notification to constitute any class of officers or servants of municipal councils into a municipal service for the whole province; and section 74-A of the Local Boards Act provides for similar powers in respect of the officers and servants of local boards. Even apart from complete provincialisation under these sections, it is open to the Provincial Government to transfer officers and servants from one local body to another.¹² If these sections are put into operation provincialisation will be an accomplished fact in the province of Madras. It may be a matter of interest to note in this connection that the power taken over by Government to transfer officers and servants was to a considerable extent the result of the introduction of communal rotation of offices in local bodies. The enforcement of the principle of communal proportion was found to be impracticable in small jurisdictions employing a very limited staff.¹³

Provincialisation has generally found favour with the employees of local bodies and it has been defended by provincial governments whether bureaucratic or democratic. But it has been opposed by local bodies and their elected chairmen and presidents on the ground that it constitutes an infringement on local self-government. It is their argument that to deprive a local body of all control over the staff engaged in giving effect to its policy and executing its plans is to destroy the substance of local autonomy. It is therefore necessary to understand the precise relation between local autonomy on one side and Provincialisation on the other.

In considering this question the validity of the distinction between policy-making and policy-execution should be recognised. Elected bodies are more appropriate as policy-making

¹² *Local Board Act*, Section 70—A.

D. M. Act, Section 73—A.

¹³ *Madras Legislative Council Debates* Vol. 73. The Debates on "A Bill further to amend the Madras District Municipalities Act," throws a great deal of light on the issues involved in Provincialisation.

institutions. Here they should have a substantial amount of freedom. But the work of executing the policies should be left in the hands of those best fitted for it—namely, the civil servants recruited in accordance with methods now well-understood and enjoying permanence of tenure, fair salaries, attractive prospects of promotion and other favourable conditions of service. They should not be subject to the control of political executives or elected councils. If provincialisation restricts the sphere of elected bodies and their chairmen to policy-making and places the local civil service under the control of a body external to them it need not be regarded as an infringement of local autonomy. Even after provincialisation autonomy continues to exist in the sphere in which it ought to exist.

But there is also a consideration more important and fundamental than this which will help in reconciling the principles of provincialisation and local autonomy. The essence of provincialisation is not the exercise of control over the staff of local bodies by the provincial government. It is on the other hand the linking up—as has already been pointed out—of all the local bodies in the province into one unit so far as questions of staff are concerned and the setting up of a central organisation to give expression to this unity and to regulate it on right lines. Provincialisation is advocated because such a unity is valuable in standardising qualifications, methods of recruitment, salaries, etc., and because it alone makes possible the transfer of employees from the service of one local body to that of another so necessary in the interests of efficiency. It does not follow from this that the Provincial Government alone should be the vehicle for expressing this unity. The central organisation may be like the Bar Councils or the Medical Councils—a purely professional organisation. In other words what provincialisation requires is some central organisation but its structure and form can be so modified as to make it quite compatible with local autonomy.

From this point of view provincialisation will be least objectionable if the regulating organisation consists entirely of the representatives of local bodies in the province. Though in one sense it is external to each local body in another sense it is not so; because it is formed out of the local bodies themselves and is truly democratic and representative. But there is one objection to the creation of a body like this; because there are other interests besides those of local bodies that require representation on it. One such interest is the Provincial Government itself; the other is the employees of the local bodies. In discussions on local autonomy people are apt to ignore the fact that the services which

are administered by local bodies are services for which provincial governments are ultimately responsible. Education, transport, public health, etc., are provincial subjects just like public order, justice or land revenue. So far as the provincial government's responsibility is concerned it is not a matter of great importance that some of these subjects are directly administered by it and some others through the agency of local bodies. From this follows the corollary that in any organisation created in pursuance of a scheme of provincialisation the provincial government also has to be adequately represented. For a similar reason the interests of the staff of local bodies have to be represented on the central organisation. It is a matter of utmost concern to the employees of local bodies what conditions of service are imposed on them and how they are administered from day to day. Moreover, they have first hand knowledge of the requirements of the services and an interest in the maintenance of high standards of work. In many countries in the west it is from them that the move for uniformity and standardisation started. From all this the conclusion follows that the central organisation should be representative of the provincial government, the local bodies and their employees, and regulation by such an organisation is fully consistent with the principle of local self-government. It is in this direction that schemes of provincialisation should move in India.

It is because of this that one has to welcome the recommendation made by the United Provinces Committee that there should be a Local Self-Government Board to exercise powers of supervision and control over local bodies. In the view of the Committee such a board should consist of thirty members—ten representing the provincial legislature, ten representing the district and municipal boards and ten nominees of government including expert departmental heads.¹⁴ The one serious defect of this recommendation is that it does not provide for the representation of the employees of local bodies. The importance of this element is not appreciated by the committee. This defect has to be rectified. The other point for consideration is whether the legislature requires any separate representation. Under the system of responsible government the cabinet reflects the majority opinion of the legislature and it may be given a free hand to nominate whomsoever it likes to the Board. It is sure to select members of the legislature belonging not only to the party in power but also to the parties in opposition but it will also go if

¹⁴ Report. Part II P. 16.

necessary outside the legislature. With modifications like these the constitution of the Local Self-Government Board as recommended by the United Provinces Committee may be accepted. Provincialisation under the auspices of a board like this will be quite in harmony with any principle of reasonable local autonomy.

THE PROBLEM OF INTERNATIONAL PEACE*

BY

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Within a single generation the world is plunged in another war. The tragedy of 1914—18 is being repeated. The principal powers of Europe are engaged in a ruthless struggle which, if allowed to develop, threatens our very civilisation and culture and all that Man has striven to build through ages of social evolution.

War had still an attraction for man in 1914. It was glorious and noble to die on the battle field. It "aroused a kind of instinctive excitement in the mass-man." (J. Middleton Murray—*The Necessity of Pacifism*; p. 37.) The Great War brought a painful disillusionment. For the first time the mass-man saw the folly of one man killing another. Not only had it become possible to carry on large scale murder on the front—thanks to the rapid advance of Science—the civil population and the home and hearth, far removed from the front were for the first time exposed to the bombs of the enemy. Man was faced with a new phenomenon, "Death from the skies." The horrors of war have since multiplied a hundred-fold. High explosive bombs, gas bombs, and the increasing speed and carrying capacity of aeroplanes have rendered the offence infinitely stronger than defence and have exposed the civil population to danger of a new kind. (Bertrand Russell—*Which Way to Peace*, chap. 2.)

No wonder that the desire for peace was never so strong and so widespread as at the present time. Man is eagerly striving for peace; but some thing quite beyond the control of man has been hurriedly leading him to war against his own will. What are those forces? Why have we been forced to another war in spite of the "War to end war", in spite of the League of Nations? Can we attain peace; Is there a way out? The present article is an attempt to provide an answer to these questions.

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

WHY THE LEAGUE FAILED

At the close of the sixteenth session of the League Assembly on 4th July, 1936, when it was decided to abandon collective action against Italian aggression in Ethiopia, a resolution was adopted inviting the state members of the League to submit proposals designed to "improve the application of the principles of the Covenant." The replies received revealed a general agreement that "it was unnecessary to amend the Covenant."¹ This shows not only that the States are sensitive about their national sovereignties but that too much has been made of the defects of the Covenant. The League was no doubt an imperfect instrument. The lack of universality, the unanimity rule are all recognised defects. Drastic reform is needed to secure the operation of Article XI (Action in case of war or danger of war), of Article XVI (Sanctions), of Article XIII (Arbitration of Disputes) and XIX (Revision of Treaties). But the evil lies deeper. The League failed for two fundamental reasons.

In the first place, the League was born of an unjust peace. It formed the part of a vindictive treaty containing the war-guilt clause making Germany entirely responsible for the Great War. "Behind the respectable structure of the treaty there existed, in fact, a flood of white hot war passion—revenge, hate, terror, suspicion, and raging covetousness." The treaty was a one-sided affair, imposed on an unarmed Germany contrary to the method of discussion as envisaged by President Wilson. "The treaty contravened in spirit and in detail much of what was understood by the memorable fourteen points." (Prof. Gilbert Murray—in *The Way to Prevent War*; pp. 73-75.) Democratic Germany was made to pay for the crimes of a tyrant in spite of the repeated declarations that the Allies were at war not against the German people but against a system. Versailles set the seal on an unjust peace, a peace of humiliation and revenge imposed by conquerors on a prostrate foe. To protect the unjust treaty it appeared as if the powers were setting up the League from which Germany was excluded. In 1936 Germany was admitted into the League but failing to get a redress of her grievances, it chose the way of force in 1933 under the leadership of Hitler who held out the promise to tear the Treaty bit by bit. By its very inception the League far from securing collective security led its members to "Collective Insecurity."

A more fundamental cause of the collapse of the League was the failure of its members to give effect to the vital articles

¹ *Peace Year Book*—1937, p. 271.

of the Covenant Monsieur Avenol speaking at Cambridge in November, 1936 said, that to achieve the great aims of the League "only one condition is necessary; it is a condition indispensable to all human communities, and it is this: a respect for undertaking once given." (*Essential Facts About the League, Geneva 1937.*) A glance at the events of the last 20 years will convince any observer that undertakings have never been respected. They have been kept only so long as it served the convenience of the Powers. Article VIII of the Covenant on the reduction of Armaments remains a dead letter. Despite the Covenant, despite the Briand-Kellog Pact of 1928 to which there were at the end of 1936 sixty-three signatories including U.S.A., Japan and Germany, despite the Disarmament Conference, the race for armaments has been intensified.

The great powers not only did not follow an international League policy but they pursued an intense national policy. The interests of international peace and justice have been subordinated to narrow national imperial interests. Even the League was backed only so long as it served national interests. Japan, Germany and Italy gave up the League as soon as it came into conflict with their imperialist designs. While these Have-nots denounced the League to acquire empires and prestige England and France, the Haves, failed to enforce the League Covenant to maintain their prestige, empires and economic supremacy. Japan's guilt against China is an established fact. But the League failed to enforce the Covenant because England opposed it. Rather England has eagerly sought the friendship of Japan to safeguard her "national interests" in the East. U.S.A. and England have been supplying Japan with armaments to conquer China. Again it was in pursuance of power-politics, national interests and in utter disregard of the Covenant that England concluded with Germany in 1935 a Naval agreement without consulting France. France on the other hand living under the perpetual fear of German aggression and anxious for the friendship of Italy helped her to conquer Abyssinia. "National Government" was assured and re-assured by Mussolini of the complete safety of British interests. Ethiopian conquest was ultimately recognised to secure Italian friendship and Spain was sacrificed so that the Mediterranean, the road to the Eastern Empire may remain safe. Czechoslovakia was betrayed to appease Hitler and Chamberlain and the Führer parted as good friends. Britain and Germany were never to go to war!

It is clear from the above analysis that the Powers never intended to uphold a League policy. They have been following

a policy of traditional diplomacy which is quite incompatible with the honest working of the Covenant. "Their secret negotiations were based on the principle that each government was absolutely sovereign, absolutely independent, and retained the freedom to exploit war or the threat of war as a means of gaining its ends: and each government, including our own, did, in fact, exploit this threat as a common-place of diplomacy." (Viscount Cecil—*The League as a Road to Peace in the Way to Prevent War* p. 258.)

The League, therefore, failed not so much for its own defects as for the failure of its members. The League of Nations and the I.L.O. were born of a revolt against power politics, international anarchy, imperialism and exploitation at home and abroad. They were intended as a first step towards a new order based on social justice and world government. But where stands the League to-day? Joad in his recent Penguin special, *Why War* has summed up the position of the League. He says: "The League is today simply an alliance of powers engaged in the old game of power politics You do not begin the task of forming an international government by dividing Europe into two halves and calling one of them the League To-day it has become little more than an alliance of two ex-burglars who having grown prosperous on the proceeds of past loot, have set up an institution to regularise their position and are doing their best to discourage new recruits to their old profession." (pp. 170-71) Such a League can hardly be expected to secure peace to the world.

THE WAY TO PEACE

We need not, therefore, despair of peace. Rather we have to face the problems that have directly or indirectly forced us to a war. The issue of the present war is Hitlerism and aggressive nationalism. No doubt, there can be no rest for man so long as Hitlerism endures. The world must be rid of this evil which suppresses opinion, which monopolises all leisure, which appropriates all production for military purposes and which looks upon man as merely cannon fodder—animal for sacrifice. But as Prof. Laski writes in *the New Republic* (a New York weekly) of 4. 10. 39; "Evil as Hitlerism is it is a symptom of the real disease; it is not the disease itself." Get rid of Hitler and the world as it is will give you many more. Already there are more Hitlers than one. How is Mussolini to be distinguished from Hitler, and how even the recent tactics of Stalin different from the blackmailing tactics of the Rome-Berlin-Axis.

At bottom there are two fundamental factors that are responsible for war, *viz.* National Prestige and the Economic discontents. What is this Prestige or national honour? Prestige is really the capacity of a nation to win a war. Prestige is the claim of a country to be recognised as a first class power. The prestige of Japan suddenly shot up in 1905 when she shocked the Western World by defeating Russia. Today Japan is a power and U.S.A.; and England will feel very happy to come to an agreement with Japan. Russia is looked upon as a great power and therefore a strong ally because of her Red Army, her air force and her resources. England's prestige is high because she never lost a war for the last four hundred years. Hitler and Mussolini have brought honour prestige to their countries by laying all the emphasis on guns. Today, Germany and Italy are first class powers—thanks to the Fascist military dictators.

Another factor that seems to enhance the prestige of a country is the ownership of an empire. Greater the empire higher the prestige. For this there are sentimental as well as practical reasons. England is proud that the sun never sets on the British Empire. Italy is proud of her new Ethiopian Empire. Germany feels glorified after the annexation of Austria, Czechoslovakia and Poland. From the practical point of view empires enhance the prestige of a country because they add to their reputation for belligerency. Colonies are valued not only as markets but as sources of raw material specially war materials and, above all, for their strategic importance. Whether the strategic points are held for defence or attack, they are held for winning a war. The more strategic positions a nation holds, the higher its prestige.

Colonies are also cherished for markets, for investments, for job and as outlets for surplus populations. This brings me to the economic factor. The last Great war no doubt involved great material destruction, but that was least of its evils. "The wounds of the war were deeper than they seemed." It "mortgaged the future heavily by debts," which disturbed and dislocated the whole process of future production and its distribution not only among economic groups but also among nations. (See Sir Arthur Salter's *Recovery*.—1933 *edn.*) The debtor nations—and Germany was the foremost debtor,—had lost their purchasing power and were trying to meet debts by selling abroad, which they failed to do because they had no secure markets. So Germany was never in a position to pay her debts in spite of the Young and the Dawes Plans; nevertheless, her system of production, and distribution was in complete chaos. "Ability to buy and sell is

a vital necessity." Failure to do so is fraught with far reaching dangers. "Nations who fear for their economic future are liable to become a great menace to the world." (*Report of the I.L.O. Director—1938*; p. 14.) Germany did become a menace to world peace. Failure to sell abroad was already breaking down Germany's economy. The coming of the Great Depression greatly intensified the process. The economic nationalism and protectionist policies made the struggle for markets fiercer every day. Even England, the traditional free trader, adopted a protectionist policy leading to the Ottawa Agreement of 1932. This made Germany struggle harder to secure markets. Stocks accumulated and production fell off fast. In 1932 Germany was producing only 59% of the 1929 level. Germany had an army of 8 million unemployed. Living conditions grew intolerable and the country was on the verge of a revolution. At such a moment came Hitler to free Germany from the shackles of Versailles. He denounced all war debts and his National Socialism stood for building an Empire to secure markets to the capitalist producer and employment and bread for the working classes. To this end the whole country was organised on a military basis. Germany followed Hitler to the war path to win glory, prestige, prosperity and an Empire.

Economic conditions in England and France as well have been fast heading towards a war. The unemployment and economic discontents have been stemmed—and that too partially—for the time being by a feverish activity in the armaments industries. The World Economic Survey of 1936 pointed to armaments as the basic reason for recovery. "In 1936, 11% of the net product of industry was being spent on armaments." (*I.L.O. Report*; 1938). The percentage is likely to be far higher in 1939. World has been literally living on war. What a tragedy! With the strongest will for peace the prosperity of the people is made dependent on armaments, which is bound to plunge the world sooner or later into a war—thanks to the glorious anomalies of the economic system.

No peace is, therefore, possible unless the world is rid of this false notion of prestige and a new economic order is established. The solution of economic troubles alone will not put an end to war, the conventional use of force for securing national ends. The socialist state may need colonies due to their strategic value in order to defend itself against foreign invasion. Russia's invasion of Finland is a case in point. A socialist state of England, lacking in raw materials, food stuffs may want colonies even for economic reasons, and as an outlet for her large population.

Therefore, an international world government is essential to secure peace. International government must control all interstate relations through legislation by an International Assembly. It shall control all strategic points and all the important raw materials specially the minerals, shall be controlled and distributed by the International Government, for these may evoke national jealousies and their absence in some countries may retard their full economic development. Migration of population shall have also to be regulated, economic barriers removed and an international currency standard established. This will certainly mean the infringement of national sovereignty. Why not? "The existence of sovereign states in the world is a menace to peace and a durable world settlement must entail the supersession of their absolute sovereignties." (Joad—*Why War*; p. 14.) One need not shrink at the idea of the destruction of the national state. It merely means the extension of the principle of law to the international sphere. No longer the individual thrusts his sword at another to gain his point. Why should not the nations follow the same logical course for the settlement of their disputes?

Streit in his book *Union Now* (Jonathan Cape—1939) has put forward an admirable scheme for setting up a democratic Federal Union of 15 countries including Belgium, Denmark, Finland, the Netherlands, Norway, Sweden, Switzerland, the U.S.A., France, the U.K. and the Dominions; but excluding Germany and Italy, the U.S.S.R., and India. The scheme seeks to limit national sovereignty, but apart from its partial character his Federal Union completely ignores the economic factor which is leading us to War in spite of ourselves. "As long as the energies of every great nation are primarily directed to war, as long as economic development is increased in a military strait-jacket, as long as social welfare is subordinated to the construction of guns, warplanes and battle-ships, it is futile to indulge in utopian expectations." (*I.L.O. Report*—1938.) Prof. Laski has put the whole problem in nutshell. Writing in *the New Republic*, referred to above, he points out: "In the modern state, the power to produce has outstripped the power to consume. To continue production on the profit making motive means, therefore, that states must find markets abroad for their surplus production which they cannot distribute profitably at home. This at once involves the whole complex of power politics. It leads to imperialism. It postulates the necessity of heavy armaments. It involves that economic nationalism which has done such immense harm to the post-war world, Tariffs, subsidies, the hindrances, to migration, the feverish search for sphere of influence, the fight for access to raw

materials, are all involved in the nature of the modern economic system. It necessitates private war within and international war without." Quite naturally the modern states cling to their national sovereignties which enables them, at their own discretion to use force as a means of imposing their will on other states. Prof. Laski, therefore, concludes: "To get rid of war we must get rid of the principle of national sovereignty. But to get rid of national sovereignty we must end that unequal society We need, therefore, a new social and international order, as the condition of peace."

An international government must derive its authority from the people. But so long as there is misery, hardship for the vast masses of the world there can be no peace. There is no more dangerous cause of war than economic distress. Hitlerism flourishes on economic discontents. Democracy alone can safeguard peace but democracy without economic freedom is bound to collapse as it has done in Europe, so long as adequate living standards are not secured. The International Chamber of Commerce at its Berlin Congress in 1937 summed up the position: "Inadequate standards of material well-being are causes of social and political unrest and so enhance the risk of war." (I.L.O. Report). The International Labour Organisation was founded on the same premises. The Preamble to the I.L.O. constitution runs: ". . . . Conditions of labour exist involving such injustice, hardship, and privation to the large number of people as to produce unrest so great that the peace and harmony of the world are imperilled: etc., etc. . . . The High Contracting Parties moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following" It is therefore essential in the interests of world peace that all should be equally assured of full opportunities for developing the best in them. A juster economic order must take the place of the present wasteful order of poverty in the midst of plenty.

Another factor which Streit misses altogether is the colonial problem. You cannot possibly solve the problem of world peace without disposing of the problem of colonies. It is for that reason again that his Federal Union has to be a partial one, from which India is excluded because it is a dependency; Germany, Italy and Japan are excluded for they are hungry wolves searching for empires, Eastern Europe and China are excluded because they are likely to be the objects of imperialist rape. Suppose a Federal Union were established, What would be its attitude to the present war? Germany fights for an empire and the Federal

Union must fight Germany while England, France and U.S.A. continue to hold empires. Such an action will have no moral justification. The only solution is that empires should at once be surrendered. They should be granted self-government or placed under international administration, whose objective will be to safeguard native rights and to develop them as rapidly as possible so that they may become fit to enter the International Commonwealth of Nations as equals.

Mr. Chamberlain has contended that England is no longer an imperialist country. Granted that England seeks empires no more and that the Dominions are no longer dependencies; nevertheless, still she owns an Empire that excites the covetousness of other countries. It justifies the demand of Hitler and Mussolini for empires. Moral re-armament is the need of the hour and it can best be achieved by the liquidation of the foremost empires which will shatter the claim of Hitler and Mussolini to colonies. The peoples of Germany and Italy will then be in a better position not to be duped and misled by the military dictators. Non-Violence may not have been able to save Poland from Hitler but this great non-violent act on the part of the "Haves" will save many a Poland because it will disarm the war-mongers at least morally. Hitler and Mussolini will be no longer in a position to assert themselves. Instead of a partial federal union of satisfied powers it will be possible to establish a Democratic World State of the Peoples of all countries.

One may laugh at the idea of England giving up India voluntarily but in fact that is the only course which England can sensibly follow to its own advantage. Empires are no longer an asset. The new empires of Japan and Italy are distinct liabilities. Their development has meant a tremendous cost which they can ill afford. Leave apart the huge sacrifice and suffering which their conquest entails on both sides. Even the mighty British Empire can not be regarded as a blessing. According to estimates by Sir Robert Kindersley of the Bank of England, total British overseas investments were at the end of 1936 distributed as under:—

Foreign countries	£1259	millions
Empire		
Dominions	£1342	„
India & Ceylon	£ 438	„
other dependencies	£ 201	„

(*Economic Journal*, December, 1937 page 657.)

The annual yield on the capital invested in India and the Dependencies @ 6% comes to £38 millions or less than a hundredth part of England's national incomes. So that if England were to give up her dependent Empire it does not lose much even if we were to assume that political control being lost economic obligations would be repudiated. Jobs and Trade are other advantages. (See Leonard Barnes—*Empire or Democracy* part II.) But consider the tremendous 'cost at which these advantages are retained. The last Great War cost England alone £9000 million. According to a statement by Sir John Simon, the Chancellor of Exchequer, in the House of Commons towards the end of November, England is spending in the present War at the rate of £2400 millions a year, more than half the national income of England. To say nothing of the sufferings and loss of human lives. What can be more sensible than the giving up of colonies specially when such an action will strengthen the hands of England in the nobler and higher struggle for the establishment of a world order.

To sum up, therefore, the conditions of world peace would involve:

- (a) The supersession of national sovereignty and the regulation of all inter-state relations by means of international legislation. There should be no regional pacts and no groupings.
- (b) The International government to control all strategic positions, raw materials and armaments. It shall regulate currency, movement of population; and through some such body as the International Labour Organisation, it should secure uniformly high standard of living for the people of all countries.
- (c) The establishment of social democracy and a new economic order from which the idea of production for private profit is banished and competition is replaced by co-operation and money values by human values.
- (d) The liquidation of empires and grant of self-government to all countries immediately; or the rapid development of backward areas in order to make them equal partners in a world order,

It is a colossal task but not an impossible one. It is for England and France and the U.S.A. to take the lead by granting self-government to their dependencies or by internationalising them. War aims should be clearly defined in the above mentioned terms and the world will have almost achieved her purpose of Peace, Prosperity and Happiness of Mankind. Peace is within our reach. Are we prepared to stoop down to take it?

**DEVELOPMENTS IN LAW, CONSTITUTION
AND ADMINISTRATION: PERIODICAL SURVEYS**

**LAW AND ADMINISTRATION IN THE MADRAS
PRESIDENCY 1937—39***

BY

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Provincial autonomy under the Government of India Act, 1935, came into force on April 1, 1937. In the general elections to the Legislature held the previous February the Congress party secured the majority of seats. In the lower house it secured 159 (now 162) out of 215 seats and in the upper it secured 26 (now 27) out of 46 elected seats. In spite of obtaining such a big majority, the leader of the party who was invited by the Governor to form a Ministry declined to do so, owing to certain doubts which the Congress wanted to be cleared up before assuming office in any of the Provinces. Thereupon, the Governor called upon the Hon'ble Sir K. V. Reddi Naidu who had been a Minister, and later a member of the Executive Council under the Montford constitution, to form a Ministry. The Ministry which he formed consisted of six members (4 Hindus, 1 Christian and 1 Muslim) and continued in office for about three months and a half. The political atmosphere having cleared during this period, Congress was willing to assume office and Sir K. V. Reddi and his colleagues placed their resignation in the hands of the Governor on the 14th July, 1937. The same day the Governor called upon Sri C. Rajagopalachariar, leader of the Congress party, to form a Ministry and this he agreed to do. The Ministry which he formed and which still continues in office, consists of ten members. One of the Ministers died early in 1939 and the vacancy caused thereby was filled by one of the Parliamentary Secretaries. Eight of the present Ministry are Hindus, one a Christian and one a Muslim.

* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

The paper was written before November, 1939, when the Ministry was yet in office—*Editor*.

Distribution of business among the Ministers.—The business of Government at the headquarters is distributed among nine departments with a Secretary to Government at the head of each of them. "The allocation of business among the Ministers is effected by assigning the subjects to the charge of the different Ministers." Thus the Prime Minister exercises jurisdiction over the Public Department of which the Chief Secretary is in charge, over the Finance Department and a portion of the Home Department, *viz.*, Police. The Minister of Revenue exercises jurisdiction over revenue with the exception of excise. Other Ministers are respectively in charge of (1) public works, (2) the legal department, courts, and prisons, (3) education, (4) public health and portion of local administration bearing on public health, (5) agricultural and rural development departments and excise, (6) industries and labour department, (7) local administration, and (8) administration reports and the public information department.

The first session of the Houses (the Legislative Council and the Legislative Assembly) was held on July 14, 1937 when members took the prescribed Oath or Affirmation of Allegiance to the Crown in the respective chambers. The following day the Assembly elected the Speaker and the Deputy Speaker (a woman member), and the Council elected its President and Deputy President. The salaries were fixed for Ministers (at Rs. 500 a month plus allowances for house rent and conveyance), for Parliamentary Secretaries, the Speaker and the Deputy Speaker of the Legislative Assembly, the President and Deputy President of the Legislative Council, and the members of the Legislature.

Early in the session a motion was passed by both the Houses regarding the shaping of a fresh All-India constitution by a constituent Assembly. The motion as moved in the Assembly resolves "that the local Government do forward to the Government of India and to His Majesty's Government, its emphatic opinion that the Government of India Act, 1935, should be replaced at the earliest possible date by a constitution in consonance with the aspirations of the people of India as expressed in the resolution of the Indian National Congress and that the assumption of office by Ministers in this presidency should by no means be understood as a surrender of the national demand for a constitution to be shaped by the representatives of the people of India duly nominated to a constituent Assembly convened for the purpose."

PRINCIPAL LAWS

Prohibition.—One of the important measures to be passed into law in 1937 was the Madras Prohibition Act which has been the forerunner of similar measures in other Provinces. It “penalises the manufacture of, traffic in, and consumption of, liquor and intoxicating drugs in the areas in which it is introduced, but contains provision for the grant of exemption in cases where liquor or drugs are required for medicinal, scientific, industrial or such like purposes.” Permits to obtain liquor are granted to a certain class of addicts under strictly controlled conditions. Permits are also issued for possession of foreign liquor for foreign consumption and for wine for religious purposes.

Prohibition was first introduced in the district of Salem on October 1, 1937. A year later it was extended to the Chittoor and Cuddapah districts. On the 1st October of this year it was introduced in the North Arcot District. This means that a compact area of 23,819 square miles or $\frac{1}{5}$ the area of the Presidency has come under Prohibition. The loss of revenue arising therefrom will be no less than $\frac{2}{3}$ crore of rupees per year. In view of the present European war, with its serious repercussions on India, it is doubtful whether prohibition can be extended to other districts, although, according to the original time-table, prohibition was to be extended to six more districts next year.

Enforcement of prohibition has been entrusted to the Police department with an augmented staff, and the ordinary excise staff has been withdrawn. Committees consisting entirely of non-officials have been formed to assist the Government in “(1) giving information to the police, (2) reporting every month to the collector regarding the working of the Act in their taluk, and (3) assisting the campaign in a variety of ways, particularly in maintaining touch with the village prohibition committees, keeping a watch on places in which breaches of the Act might take place, organising amusements and counter-attractions to drink and encouraging thrift.”

Offences against the Prohibition Act have been comparatively rare. Illicit distillation and illicit tapping have been brought under control. The Sweet Toddy Rules in Salem district have been tightened so that under the guise of tapping sweet toddy, fermented liquor may not be manufactured. In Cuddapah and Chittoor districts there is no consumption of even sweet toddy.

A few cases of persons using denatured spirit, *ganja*, and opium have been brought to light. But there is no evidence to show that there is an increasing tendency to take these dangerous substitutes for liquor. Drink and drug addicts sometimes cross the borders of their districts to places where prohibition is not in force in order to satisfy their craving. To combat this menace liquor shops in the belt areas are placed under severe restrictions.

The moral and material progress of the people living in the prohibition areas is clearly marked. Serious offences against law and crimes of violent character are on the decline. In one section of Salem town where an economic survey was recently undertaken it was found that, whereas in the pre-prohibition days 32·2 per cent of income among stone-workers was spent on food and an equal amount on drink, with the coming of prohibition the amount spent on food has shot up to 48·1 per cent. More money is spent also on clothing, housing, amusements, and the like. Thrift and co-operative societies have been started in several centres. "Day deposit" schemes are in force in the Chittoor district.

Many of the tappers who were thrown out of employment have been absorbed in the work of cultivation and other similar occupations. Several are taught to manufacture jaggery or *gur* from palmyra and date juice. In all the first three prohibition districts, co-operative societies for the manufacture of jaggery from sweet toddy have been founded. In the Salem district there are sale societies in addition. Several cottage industries have been introduced such as bee-keeping, tape-making, net-weaving, and the manufacture of ink and paper.

Recreations and counter-attractions have been provided, but much still remains to be done. Indigenous games and rural sports are receiving increasing attention. Street dramas, folk dances, and *kathakal akshapams* are most popular among villagers. The Government's communique, in reviewing the work, says: "The Prohibition Act continues to be viewed with great favour in all the districts in which it is in force and its working has been smooth. The position is considered to be satisfactory and the progress on the ameliorative side is specially gratifying."

The Madras Agriculturists Relief Act.—Besides Prohibition, several important measures have been passed to ameliorate the condition of the agriculturist and peasant. The most important among these is the Madras Agriculturists Relief Act which came into force in March 1938. The object of this

measure is to help indebted agriculturists by the scaling down of their existing debts, by reducing the rate of interest on their future debts and by writing off the arrears of rent due to zamindars, *janmis* and other landholders. Dues to the Government and local bodies and dues to co-operative societies and to certain joint-stock banks do not come within the scope of this Act. The main provisions of the Act are:—

- “(i) In the case of debts incurred before 1st October 1932 all interest outstanding on 1st October, 1937 is wiped out and only the principal or such portion of the principal as may not have been paid will be due from the agriculturist.
- (ii) Where an agriculturist has paid twice the amount of the principal to his creditor by way of interest or principal or both, the entire debt (principal and interest) is wiped out.
- (iii) Where the repayments made exceed the principal but are less than twice the principal, only such amount as would be necessary to bring up the amounts repaid to twice the principal or such portion of the principal as is outstanding, whichever is less, need be paid.
- (iv) In the case of debts incurred on or after 1st October 1932, the principal or such portion thereof as may be outstanding is not affected and will have to be repaid and interest is calculated at 5 per cent per annum simple interest.
- (v) In the case of debts which have been scaled down under the provisions of the Act, interest on the principal amount due on the date up to which they have been scaled down will not exceed $6\frac{1}{4}$ per cent per annum simple interest.
- (vi) No debt incurred by an agriculturist after the 22nd March 1938 will bear interest at a rate exceeding $6\frac{1}{4}$ per cent per annum simple interest.”

Up to the end of March 1939, debts amounting to Rs. 2,86,67,677-0-4 were scaled down by courts to Rs. 1,52,09,419-3-4. A sum of Rs. 50 lakhs was set aside during the year 1938-39 to be given as loans to agriculturists to clear off their scaled down debts. The amount set apart for

1939-40 for the same purpose is Rs. 75 lakhs. Debt Conciliation Boards have been set up in every revenue division of the Presidency to enable the agriculturists to pay off the debts as scaled down under the Act. Several difficulties have been experienced in the working of the Act, and a bill will shortly be introduced in the Legislature to remove them.

Other ameliorative measures.—The Madras Regulation of the Sale of Cloth Act, 1937, makes a licence necessary for the carrying on of trade in cloth. Dealers who sell only handloom products are granted licences without any fee but all others are to pay a fee. The Madras State Aid to Industries (Amendment) Act extends to benefit of State Aid to cottage and village industries.

An important act known as the Public Health Act was passed in 1938. This Act provides for “the proper enforcement of suitable measures in regard to epidemics, protected water supply, sanitation and similar matters.” A draft bill for the registration and control of pharmacies, compounders, etc., is receiving the attention of the Government. In order to bring quinine within the easy reach of the poor, the price of cinchona febrifuge tablets has been reduced from Rs. 10 to Rs. 8 per lb. and that of quinine sulphate tablets from Rs. 19 to Rs. 17. There is under consideration a scheme of Health Co-operative Societies which will conduct public health and sanitation work in the rural areas with the help of young volunteers in the village.

Indivious distinctions between different classes of medical practitioners have been minimised by the Madras Medical Registration Act which makes it possible for all medical practitioners to be classed together in a common register. The medical schools in the Province have been closed in order that a uniformly high standard of medical education may be given in colleges.

Harijan Uplift.—During the year 1938 two important measures were passed for the amelioration of the condition of the scheduled castes. These are the *Removal of Civil Disabilities Bill* introduced by Rao Bahadur M. C. Rajah and the *Malabar Temple Entry Bill*. The former of these provides that “no Harijan shall be prevented merely by reason of his caste from enjoying any social or public amenity to which other classes of Hindus have access or which is maintained for the use of the public or out of State or local funds and that no court of law shall recognise any such disability.”

The Malabar Temple Entry Bill provides for the throwing open of Hindu temples to the excluded classes if the measure is favoured by the majority of the non-excluded castes who are voters for the general constituency of the Madras Legislative Assembly in the revenue taluq in which the temple is situated. At the time this measure was passed it was considered to be revolutionary in character and there was considerable opposition to it. But it has been thrown into the shade by the amount of public enthusiasm which has lately been exhibited in favour of temple-entry. On July 8, 1939 a party of Harijans and caste Hindus entered the innermost shrine of such an important temple as the Sri Minakshi Temple at Madura and offered puja there amidst the rejoicings of the Hindu population of the town. This unprecedented measure has been followed by the throwing open of the temple in other orthodox centres such as Tanjore. It is true that some of the orthodox Hindus have not taken kindly to these innovations and have instituted civil and criminal proceedings against the temple authorities and the reformers. To condone the technical breach of the law involved in this reform, Government has published an *Indemnity Bill* which aims at protecting the participants in the event. In order to prevent harassment by interim proceedings at law courts an ordinance has been promulgated in terms of the *Indemnity Bill* which takes effect immediately.

Local Self-Government.—*The Madras Local Boards (Amendment) Act, 1937* cancels the nominations already made to local boards and secures representation for the minority communities and women by means of co-option by the elected members of the district board concerned. *The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937* confers power on the Government to extend the term of office of members of local bodies. A recent Bill provides for triennial elections to the Madras Corporation. Under the existing Municipal Act, 15 out of the 45 divisional councillors of the Corporation retire from office every year on the first day of November by rotation and the vacancies so caused are filled at annual elections. Such a clumsy procedure necessitating an annual election campaign, it has been found, is not in the best interests of the city. Therefore, the new bill provides for triennial elections to all the 45 divisional seats with effect from 1940. This change will save the time and energy of a considerable part of the municipal staff, do away with the fractional representation of public opinion from year to year in the Corporation, and afford to the tax-payers a chance once every three years

to assess the work of the Corporation. A further reform for which there is a good case is the extension of the term of the Mayor from one year to three years. *Act II* of 1938 provides for the adoption of the relevant portions of the electoral roles prepared for the Madras Legislative Assembly as the electoral roles for local bodies in the Province.

New Taxes.—The last two years have been very hard years for the agriculturist on account of failure of the monsoon in some parts of the Presidency and floods and cyclone in other parts. The enactment of prohibition, remission of taxes, famine and flood relief have meant a serious inroad into the revenue of the province with the result that new sources of income have had to be discovered.

One of the important taxes to be passed in 1939 is the Madras General Sales Tax which “imposes on every dealer a tax of five rupees per month if his annual turnover exceeds ten thousand rupees and a tax of one-half of one per cent of such turnover if his turnover exceeds twenty thousand rupees.” An agriculturist who sells the produce grown on his land does not come within the purview of this Act. Exemption is also granted as regards “the sale of bullion and specie, of cotton, of cotton yarn and of any cloth woven in handlooms and sold by persons dealing exclusively in such cloth.” The sales of hides and skins are to be taxed only at one point. As regards finished articles of industrial manufacture, 50 per cent rebate on the tax is allowed when such articles are sold for delivery outside the Province.

The tax is considered to be a light one and falls not only on the merchant, but also on the consumer. It is expected to yield enough revenue to make good the loss that will be entailed when prohibition is introduced throughout the Province.

Among other taxes passed in recent months, mention must be made of the Madras Sale of Motor Spirit Taxation Act, 1939, which imposes a tax at the rate of one anna six pies per gallon in the case of petrol and at the rate of six pies per gallon in the case of motor spirit other than petrol. The tax is collected by the retail dealers.

The Madras Electricity Duty Act, 1939, imposes on licences in the Province a duty of six pies per unit of energy when sold at more than two annas per unit. A graded tax is imposed on tickets sold in places of amusement by the Madras Entertainment Tax Act, 1939. The tax ranges from three pies to two rupees per ticket. Municipalities and other local bodies which previously levied an entertainment tax are compensated for their loss.

The Madras Tobacco (Taxation of Sales and Licencing) Act, 1939 "imposes on every retail or wholesale dealer in manufactured tobacco, such as cigars, cheroots, beedies and snuff, a tax at rates based on the turnover. A wholesale dealer, manufacturer, broker or commission agent has also to pay an annual licence fee at specific rates."

The income expected from these three taxes, without deducting the expenses of collection, is about 134 lakhs. This amount is, however, only a drop in the bucket when it is remembered that the total revenue of the Province is Rs. 16 crores per year.

The betting tax on Madras races was raised from $1\frac{1}{4}$ per cent to $2\frac{1}{2}$ per cent from 1st April, 1937.

Expenditure of the Province.—The total expenditure on revenue account is about Rs. 16 crores. Of this amount 50 per cent is spent on development services, 41 per cent on primary functions and 8·3 per cent on common charges.

The details under the three heads are as follows:—

I. *Development Services:*

	Per cent
Education	16·3
Irrigation	7·3
Medical	6·0
Civil Works	5·4
Agriculture, Veterinary and Co-operation	3·0
Motor Vehicles	2·8
Public Health	2·8
Forests	2·6
Industries	1·6
Other heads	1·2
Total	50·0

II. *Primary Functions:*

	Per cent
General Administration ..	17·9
Police	10·2
Justice	5·9
Excise	2·1
Registration ..	1·8
Land revenue	1·6
Jails	1·5
Stamps, etc.	·7
Total	41·7

III. *Common Charges*: This includes debt, pensions, and stationery—8·3 per cent.

There has been a slight increase on education, mostly on “primary education,” as against secondary and university education. There has also been an increase of expenditure on hospitals. Larger grants have been made to local bodies for public health purposes. A separate fund of Rs. 18 lakhs has been instituted for the improvement of rural water supply. This is in pursuance of a ten-year Government scheme to provide protected water supply to the rural areas of the Presidency. It is expected that when the scheme is completed cholera will become a much less serious problem than it is now.

2. PRINCIPAL ADMINISTRATIVE CHANGES

Prisons.—Among the first things the Congress Ministry did on assuming office was to order the issue of buttermilk to all prisoners and an increase in the issue of salt. Radio sets have been installed in several of the jails. The grant of conveyance allowance to religious and moral lecturers has been revived. A large number of prisoners have been released under the order of Government. As the number of civil debtors declined after the coming into force of the Code of Civil Procedure (Amendment) Act, 1936, the civil jail in Madras was abolished in 1938.

Oil-pressing by manual labour has been abolished. The remission system has been extended to prisoners sentenced to three months and above and below six months. Wheat has been introduced as an authorised cereal in the “C” class dietary. Certain daily newspapers in Indian languages are allowed to “A” and “B” class prisoners at their own expense. Jute mats are provided to prisoners in place of coir mats. Provision is made for the supply of drinking water in closed mud pots in cells in the sub-jails. Hand spinning and weaving have been introduced in some of the jails. Facilities are provided for Muslim prisoners to say their prayers individually four times a day. They are also supplied with prayer books. Women clerks have been appointed in the Presidency Jail for Women at Vellore. Orders have been issued to appoint additional women wardens to act as chaperons to women prisoners under escort. Education has been made compulsory to all prisoners under 30 years of age and optional to others.

In spite of these reforms, conditions in jails stand in need of great improvement. It is regrettable that in 1938 as many as 845 punishments had to be awarded to warders, mostly for ill

treatment of prisoners. Even a Superintendent of a Central Jail had to be removed from the service for gross misconduct. More needs to be done than is the case now for mentally defective criminals, lunatic criminals, Borstal inmates, children and youthful offenders. One is surprised to find that at the beginning of 1939 there were as many as 104 lepers in the leper annexes attached to the principal jails. Tuberculosis is prevalent among prisoners, the average being 40·52 a day.

Services to the Poor.—Encouragement is being given to the development of cottage and small-scale industries. A sum of about Rs. 2 lakhs was granted during 1937-38 for the development of the hand spinning and khadi industry. Intensive training has been provided in some small-scale industries such as leather goods manufacture, casting and metal working, pottery and coir working. Experiments are being conducted in the manufacture of jaggery from cocoanut juice, and the preliminary attempts have been promising. There is no doubt that if the experiment should finally succeed, it will solve the unemployment problem among the toddy tappers who have been thrown out of work in the prohibition area.

In view of adverse seasonal conditions, liberal remissions of land revenue have been made. The remissions so made during the last two years amounted to 71·4 lakhs each year. The Standing Orders of the Board of Revenue have been so amended as to enable the ryot to pay his land revenue in any taluq or district other than the one in which the demand arises. Co-operative credit societies have been re-organised in order to increase the credit facilities of agriculturists. The guarantee of the debentures of the Central Land Mortgage Bank has been increased to Rs. 200 lakhs. At present there is no district which is not served by one or more land mortgage banks.

Relief works and test works have been started in several districts to combat the evil effects of famine. The Government is considering the report of a committee of officials and non-officials set up some time ago to recommend changes in the provisions of the Famine Code and to make suggestions for the prevention or mitigation of famine conditions.

In some localities poor people are allowed to remove dead wood from the forests. Greater facilities are given for the purchase of manure leaf. Practically in every district, providing grazing areas for cattle is a serious problem and measures are being taken to introduce rotational grazing as a means of improving the grass.

Measures have been adopted for the rendering of rural medical relief, for the providing of radio sets for villagers, and for the revival of indigenous games in villages.

The system of employing honorary medical officers has been extended so as to save money for the Government as well as to provide facilities for private practitioners of medicine to acquire training and experience in State hospitals. Local bodies have been advised to adopt the same system for the medical institutions in their charge and, with the money so saved, to provide extra beds for in-patients. The tenure of office of honorary medical officers has been limited to five years.

An influential committee of the two Houses, presided over by the Revenue Minister of the Province, has prepared a monumental report suggesting important tenancy reforms which, if adopted, will give the tenant "the proprietorship of the soil and . . . full rights of ownership subject to the liability to pay rent to the landholder." One of the recommendations of the Committee is that "the rate of rent fixed in the year previous to the Permanent Settlement should be adhered to."

Demonstrations are continued to show the value of improved implements, rotation of crops, green manure, and cheap and efficient methods of conserving farmyard manure. Successful attempts have been made at checking a cattle disease known as Rinderpest. Studies are made on jaggery and malt, crop pests, and breeding grounds and seasons of some of the economically important classes of fish. Experiments are being made to extract oil from man-eating shark which is rich in Vitamin A. The value of sea-weed manure is still under investigation.

Anti-malarial operations are conducted in selected villages. There has been an extension of free distribution of quinine to a few places.

Several measures have been adopted to make the conditions of life more agreeable to the Scheduled classes. In breaking down the barriers of caste, the Government has been following the policy of securing the admission of scheduled class children into the ordinary schools. Only where this has been found impossible or where there are no ordinary schools, special schools have been provided for the scheduled class pupils. Ordinary schools which refuse admission to such children can do so only on the pain of losing Government recognition as well as their claim to Government aid or grant. The Government also runs a large number of special labour schools. It has been pursuing the policy of granting scholarships to scheduled class pupils for elementary, secondary, collegiate, special, commercial, pro-

fessional, and industrial education. Scheduled class pupils need pay no fees in elementary schools and can obtain half-fee concessions in secondary schools and colleges and full-fee remissions in Arts colleges if they can produce certificates establishing their poverty. Further educational concessions are made by some local bodies. Some of them supply books and slates to scheduled class pupils free of cost. Pupils of this group pay no fees for the Secondary School-Leaving Certificate Examination. "The Government make boarding grants, run five hostels to give free board and lodging to scheduled class students and subsidise twenty-eight hostels run by private bodies for this purpose."

In order that members of the scheduled classes may have a fair share in Government appointments, the general educational qualifications required for particular posts are lowered in their cases; also the age limit is raised to 27. According to the communal rotation in operation, the scheduled classes are entitled approximately to one in every twelve appointments.

Various amenities are extended to members of the scheduled classes. House sites are secured for them on easy terms, and considerable extents of land are reserved for them in various places. "They are also given concessions by being allowed to pay land value for wet land at a price fixed by the collector and in instalments." Co-operative societies are specially organised for them to enable them to secure loans for the acquisition of house sites, agricultural and general purposes.

The welfare of the scheduled classes is a function which comes under the direct control of the District Collector, subject to the general supervision of the Commissioner of Labour. To make suggestions for the improvement of the condition of the scheduled classes there are District Advisory Committees and a Provincial Advisory Board working under the chairmanship of collectors and the Labour Commissioner respectively.

A sum of Rs. 11.24 lakhs was spent in 1938-39 in ameliorating the condition of the scheduled classes. The amount set aside for this purpose in the current budget is Rs. 12.43 lakhs.

Labour.—With the coming of the Congress into power, there has been an increase in the number of labour strikes. While there were only 22 strikes in 1936-37, there were 68 strikes in 1937-38. Many of the strikes did not give the employers time to consider the demands of the workers. So in October, 1937, Government issued a Press communique strongly disapproving the resort to strikes before all other methods of settlement were exhausted and explaining their future labour policy. Several of

the strikes were settled through the intervention of Government. The strikes were all conducted peacefully. One Board of Conciliation and two Courts of Enquiry were constituted under the Indian Trade Dispute Act, 1929.

Education.—Many important changes are contemplated in the field of education. At the moment of writing, the Education Minister has summoned a conference of experts to consider the re-organisation of secondary education. The Wardha Scheme of Education is being tried in a few localities. A training school on the Wardha model was opened at Coimbatore in July of this year. Additional teachers are being appointed in Panchayat schools, the Government giving a grant of Rs. 180 per annum in respect of each teacher.

By an Act of the Legislature, District Educational Councils were abolished with effect from 1st June, 1939. Their place has been taken by Taluk Advisory Educational Committees to advise the Educational Department with regard to elementary education in the taluk.

Rules have been framed to safeguard the interests of teachers in aided schools and to give them greater security of tenure. One of the important rules is that not less than 85 per cent of the teaching grant to a school should be paid to the teachers in the form of salary. Deductions from salaries are not allowed except towards provident fund benefits or for disciplinary reasons. Every teacher employed in an elementary school is to be provided with a service register setting forth terms of appointment, reasons for the termination of service, etc.

In the sphere of secondary education, high schools in unilingual areas have been required to use the mother-tongue as the medium of instruction beginning with the fourth form, corresponding to the eighth class in some of the other provinces. Schools in bi-lingual and multi-lingual areas and certain types of girls' schools are given time to make the necessary adjustments before instruction can be given in the mother-tongue.

Against a storm of protest, Hindustani has been introduced as a subject of study in Forms I to III in 225 High Schools in the Presidency. While there are some who have a genuine fear that the compulsory teaching of Hindustani will undermine the importance of Tamil and other vernaculars of the Province, others are opposing the teaching of Hindustani on party grounds.

The rules of the Grant-in-Aid Codes have been so amended as to make it obligatory for the managements of aided institutions to have their accounts scrutinised by a recognised Auditor. Previous sanction of the Director of Public Instruction is necessary

before opening a new educational institution or introducing a new course of study in an existing institution.

During 1937-38, Government sanctioned the admission of non-Muslim students into the Government Muhammadan College up to 25 per cent of the total strength of the College. Government has permitted part of the Elementary Education Funds to be utilised in supplying books and slates free of charge to poor pupils of the Depressed classes and Muhammadan communities. The Government Forest College at Coimbatore was abolished in 1939. The percentage of those under instruction during 1937-38 was 7.3.

Public Health is still far from satisfactory. There was an appreciable fall in the number of deaths from small-pox and cholera during the year 1937 when compared with 1936. Owing to an outbreak of plague in the nilgiris district there was an increase in plague mortality. But it was soon brought under control with the help of cyanogas fumigation. Special arrangements have been made for the training of Health Officers in the modern methods of leprosy prevention. But the time allotted, viz., 10 days, seems too short. A large number of deaths are registered under 'fevers,' 'dysentery and diarrhoea' and 'respiratory diseases.' Infant mortality is 163.89 per 1,000 live births. Maternal mortality rate, too, is quite high.

The registration of births and deaths is not yet compulsory throughout the Presidency. In villages where the Registration Act is compulsory, village headmen are generally the registrars. The birth rate is 36.2 per 1000 of the estimated population, and the ratio of male to female births is 105: 100.

Local Boards and Municipalities do not seem to be in a healthy state. During 1936-37 the Municipal Councils of 6 towns continued to be under supersession. A seventh Municipal Council had to be superseded. Two hundred and seventy-two panchayats were constituted, 64 panchayats were abolished; two were dissolved and reconstituted and 21 were superseded during the year. Twenty-seven Presidents of panchayat boards were removed from office for abusing the powers vested in them.

In the Presidency there are 82 district municipalities in addition to the Corporation of Madras. The average incidence of taxation in the District Municipalities is Rs. 2-14-2, while in the city of Madras it is Rs. 7-12-3. Only 42 out of the 82 mofussil municipalities have protected water supply. Madras city alone has any organised scheme of medical inspection of school children. It also supplies free mid-day meals to 4,500 poor children at a total cost of Rs. 38,420 per year. It maintains 14 play-

grounds for the use of school children. At the Ripon Building where the Corporation office is situated, there is a fine civic library open to the public. Besides it, the Corporation maintains 13 free reading rooms and a free circulating library for the benefit of the public.

The Government has under consideration a scheme for a unified municipal and district board civil service. When such a service comes into being, there is every hope that corruption and nepotism will diminish, and the efficiency of local self-government materially improve.

Other measures.—The Moplah Outrages Act of 1859 which had been causing feelings of resentment and bitterness among the Moplahs of Malabar has been repealed. Village officers who were dismissed during the days of the Non-Co-operation and Civil Disobedience movements have been restored as far as possible. Conviction in connection with these movements is no longer a bar to public employment or to service in local bodies. The securities deposited by newspapers and presses have been refunded in many cases. The black list of newspapers in which Government advertisements could not be published has been withdrawn. The ban on several proscribed books has been removed. Permission has been given to float the Congress flag on public buildings under certain conditions. Retired Government servants are allowed to join political parties and become office-bearers. The statue of General Neill in Madras, which has been a source of irritation to self-respecting Indians on account of the stern measures taken by the General during the Indian Mutiny days, has been removed and safely lodged in the Museum. This act is considered to be a unique achievement. Salt concessions to the poor, which were suspended for a time, have been restored.

There is no doubt that a general survey of the laws and administration of the Province during the last two years makes it clear that a genuine spirit of reform is abroad and that the centre of interest is shifting from the town to the village. In the way of more rapid reform stand financial difficulties, the general apathy and conservatism of the people, and party quarrels. In spite of these handicaps, provincial autonomy has justified itself by its results; and there is no gainsaying the fact that the country is ripe for the grant of similar responsibility at the Centre. But this desired result can only be accomplished if the various communal parties in the country resolve to evaluate their sectional claims and interests in the light of the national interests.

REVIEWS

DYARCHY IN PRACTICE, by A. Appadorai, M.A., Ph.D. Published by Messers Longmans, Green and Co., Ltd. Pp. xiv+431.

This monograph is an attempt to study the working of dyarchy as introduced into this country in 1921, and to estimate its value as a political system. Professor Berriedale Keith has contributed a Foreword to it.

Dyarchy, as the author has rightly remarked, was a novel experiment in government on a large scale, and he has tried to deal with it both historically and analytically. He has ably discussed both its merits and its defects. The book, however, is mainly a descriptive piece of work and not a legal study. And although it may now be regarded as a sort of "*post-mortem*" study, yet we may entirely agree with the author that "it may be of some use to students of government and in particular of Indian constitutional history." The subject of dyarchy, however, has been so thoroughly discussed ever since its introduction into this country that it is really very difficult for any writer now to say anything new in regard to it. Yet it must be said to the credit of the author that he has succeeded in presenting to the public a readable book. His mode of treatment is dispassionate, and the get-up of the book is quite good.

D. N. BANERJEE.

SIYASAT—A quarterly Journal of social and political sciences, edited by Dr. Yusuf Hussain Khan and published by Syed Abdul Qadir and Sons, Char Minar, Hyderabad Deccan, Vol. I, No. 1. Annual subscription Rs. 5. Single copy Rs. 1-8-0.

Siyasat (or Politics) is a new quarterly in Urdu and is an admirable venture of its kind in India in an Indian language. When *the Indian Journal of Political Science* was started last year, a long-felt want had been removed. The coming out of *Siyasat* has given us a complementary Journal in Urdu and it is hoped it would soon take its place among the standard journals of this country for its aims and objects are:

- (i) to discuss the complicated problems of the social and political life in simple and easy language.

- (ii) to translate the researches from other advanced languages of the world on the various aspects of modern civilisation; and
- (iii) to present a scientific and critical view of affairs without indulging in partisanship of creeds, interests or party politics. Even controversial questions will be examined and presented in the light of scientific criticism.

The January number before us has excellent material on the social and political and international life. The articles on the *Diplomacy of the period of the Prophet* is a commendable article on an aspect of International Law; that on *Machine and civilisation* has been extracted from a recent book on social philosophy, while the Editor himself has contributed three interesting articles on the *Characteristics of the English Constitution*, the *European War* and the *Political Future of India*. The articles on the *New front of Turkey and the Balkan States* and the *Sociological reform through legislative assemblies* are also good and informative. In the end are to be found Reviews and criticisms of such recent books as Laski's *Parliamentary Government in England* and M. Oakeshott's *The Social and Political Doctrines of Contemporary Europe*, etc.

ILYAS AHMAD.

IN MEMORIAM

J. A. HOBSON (1858—1940)

The death, on the 1st of April last, of Mr. J. A. Hobson in his eighty-second year brings to a close one of the most distinguished careers of our time in the field of the social sciences. Hobson was, indeed, primarily an economist, and it is above all as the advocate of the method of welfare, as distinct from monetary, economics, and perhaps even more as the exponent of the specific theory of capitalist over-production that his name will live in the history of social thought. But he was also something more. He had the heart of a humanist and the mind of a sociologist. Welfare economics sprang from a deep-rooted humanism, even as his studies as an economist only made him more than ever an ethicist and politician as well,—the first in revolt against the immorality of a system where markets are damaged by an unequal process of bargaining, the second in emphasis on the need for an increased political (and democratic) control of economic affairs,—and see the interdependence of these three sciences and their place side by side in a wider science of sociology. Thus did his work touch many fields, and touch nothing that it did not adorn. And as he found himself not agreeing entirely with any one of the fashionable schools of his time, but a heretic aloof from them, he was led on to enquire into the problem of *Free Thought in the Social Sciences* (the title of one of his books), and examine the difficulties of thinkers in them arising from unconscious personal bias and class associations and interests. It is, however, only with his political ideas that we shall mainly concern ourselves here.

John Atkinson Hobson was born in 1858 at Derby, England, ‘in the middle stratum of the middle class of a middle-sized industrial town of the Midlands,’ as he himself long afterwards wrote. His family was Liberal in politics and Church of England in religion. Unlike his elder brother, who later became a Professor of Mathematics at Cambridge, he seems to have shown no marked promise when young. From an old-fashioned grammar-school he went to Lincoln College, Oxford, to study for ‘Greats.’ At school he had ceased to believe in the Christian faith, read Mill and Spencer (the latter a Derby man too, whom the young Hobson used to see walking into town), and attended the Cambridge University Extension lectures on political econo-

my. And at Oxford four years of classics helped, if it did not do much else, to make him the humanist that he became, and prevented him, as he himself has recorded, from becoming a narrow utilitarian or rationalist like many others of his time. But the real intellectual awakening of his life was still to come. With a modest degree from Oxford,—‘my failure as an examinee came as a painful shock to my intellectual self-assurance,’ he wrote about it,—he spent seven years (1880—1887) in school mastering at Feversham and Exeter. And now he made the friendship of A. F. Mummery, business man, famous mountain climber (he was in the end killed on Naga, Parbat), and original thinker in economics with a favourite theory of over-saving as the cause of crises. Hobson was converted to this heresy (no longer quite a heresy now, thanks to this conversion), and two years after he had given up school-teaching and taken up University Extension work in economics (and significantly, in literature too), the two published a book *The Physiology of Industry* where the theory was expounded at length. The book led to the London (though not the Oxford) Board refusing him to offer any more courses in economics, and became the original cause, reinforced afterwards by his welfare economics, of the fact that, though often appointed in later life to government committees, he was never invited to apply for a professorship in an English University (he had one or two offers from the United States), nor was offered an honorary degree by any one of them except Manchester, and this he could not accept for reasons of health. This book was soon followed by another, the still valuable *Evolution of Modern Capitalism* where he agreed a great deal with what Marx had said in his great book and which he had read, but without entering like Marx into any questions of metaphysics or theory or revolutionary strategy. In 1887 Hobson gave up Extension work, though his influence on English working class thought never ceased to grow, and thereafter he devoted himself to writing and journalism, with occasional lecturing and, for a time, active participation in politics. In the following year appeared a little study on Ruskin which anticipated his later and more elaborate studies in welfare economics. Meanwhile he had become associated with active politicians like J. M. Robertson, Ramsay MacDonald and Herbert (now Lord) Samuel on a short-lived *Progressive Review* advocating a new Liberalism of far-reaching egalitarian tendency, and also with the famous South Place Ethical Society, becoming one of its lecturers almost till the end of his life. In 1899 an article by him in the “Contemporary Review” on Imperialism led to L. T. Hobhouse suggesting to C. P. Scott of

the *Manchester Guardian* to send Hobson to South Africa, then on the brink of the Boer war. This was the origin of his famous book on Imperialism (1902), that seminal exposure of its benefits to a few and disaster to most, even in the home country, behind a façade of white and Christian beneficence, and it was the beginning also of his association with Hobhouse which lasted till the latter's death as well as with the *Guardian* (his daughter married one of Scott's sons), which ended only with his own death. About this time also began a series of visits to the United States (where he married), and to Canada, studying capitalism and imperialism,—and capitalist and imperialist democracy too, more and more,—in new situations. And visits which he now made to two other countries like Denmark and Switzerland confirmed his faith in the value of an economic democracy for a political one.

During the war of 1914—18 Hobson took a more active part in politics than he had done yet or was to do later. Its outbreak found him, along with Gilbert Murray, Lowes Dickinson, Graham Wallas and others, courageously attempting to get a hearing for a policy of neutrality. When this failed he joined E. D. Morel, Norman Angell and their group in founding the Union of Democratic Control and in advocating a negotiated peace followed by open treaties. Later still he collaborated with the Bryce committee in founding the League of Nations Society which did so much in getting the Geneva institution established at the end of the war. Another important association of this period was with Massingham's *Nation*, already begun in 1906, and ended only with the latter's resignation from that paper in 1920. During the war, while these new associations were being formed, an old one came to an end. This was his resignation from the Liberal party on account of its desertion of the cause of Free Trade. But he had always been only loosely attached to it, and on the other hand, he never ceased to be anything but the most passionate advocate of the cause of liberty.

Though he thus left the Liberal party, his intellectual integrity and generous kindly nature made it impossible for him to join the Labour party with its wooden trade unionism on the one hand, and its doctrinaire class war socialism on the other. For his own preference was for a Liberal-Socialist and middle, but steadily expanding, social policy. At the end of the war he stood for the first and only time as a candidate for Parliament, characteristically as an Independent, and, of course, was defeated.

In the post-war period he was already sixty in 1918,—Hobson naturally took a less active part in politics, and he confined

himself mainly to writing. Books on various aspects of economics again continued to flow from his pen, markedly influencing economic theory and social legislation,—the list of his books covers about forty names,—but his writings now went frequently beyond economics. Already during the war, had appeared a little book *Democracy after the War*. Now came *Free Thought in Social Sciences* (1929), *Rationalism and Humanism*, *Notes on Law and Order*, the well known *Democracy* (1934), written as a reply to Fascism, and *Property and Impropriety* (1937). The last, in the distinction it drew between standardisable and unstandardisable production and consumption, contains his maturest ideas on Socialism. Finally, in 1938, appeared the characteristically impersonal autobiography, *The Confessions of an Economic Heretic*. This was Hobson's last book. But he continued to review for the *Guardian* till the very end. And the last article appeared only a few weeks before his death.

Hobson's fullest treatment of his way of thinking in politics was in the little book on Democracy published in 1934. Written within a year after Hitler came into power in Germany with the aid of men like Hugenberg and Thyssen, it was perhaps natural to regard contemporary dictatorships as fundamentally due to the efforts of the capitalist class to keep in its own hands, rather than let it go into those of the communists, that planning of production which had become necessary with the development of capitalism in the directions of overproduction, underconsumption and diminished profits. Anyway, the view of Fascism as 'the government of the people by the politician for the profiteer' was a common Left view of the time. Hobson went on to argue that this State-capitalism cannot be economically durable because capitalists as a class cannot be humanly expected to forego profits, (this was the trouble, according to him, with the New Deal), nor politically because, deprived of democratic pressure, wages were bound to fall, and popular consent to the regime therefore to weaken. A struggle for markets and a renewal of imperialist wars was bound to follow. But a dictatorship of the Left of the Russian kind, or of even Wellsian conspirators, is no solution because all dictatorship is thrice cursed. It curses him who rules by the poison of absolute power. For the lust for power is one of the strongest features of human nature, and though superficial economic determinists hardly realise it, this is why property is valued, and it will persist even in an equalitarian society. It curses him who submits to such rule by the loss of the liberty it involves and by the resulting injury to personality. And it curses govern-

ment itself by the suppression of that freedom of thought which is the soul of progress, and by the deprivation to it of the contribution of the common man. Hobson agreed that "to our intellectual aristocrats the talk of commonsense may sound uncommon nonsense." But he firmly held to his faith in it. Here, of course, he showed himself much more moderate than his associates of the Left. But Hobson's essential independence of outlook (and humanism) was equally seen in the view that historic democracy had failed through an over-emphasis not only on liberty but even on equality, to the neglect of the third element in the old triad,—fraternity. And to him economic planning in the interests of the whole community, and the management of socialised industries by State technicians (his son, it may be mentioned in passing, became General Manager of the Central Electricity Board) was nothing but the application of the fraternity principle in a new situation. Hobson then turns to the question of the political institutions of such a planning State, and of its dependence on an adequately organised international society. And here again, while desiring to see many reforms, and while realising their dependence on the (democratic) conquest of power by the working class, his caution is noteworthy in matters like P. R. or an equi-powerful economic parliament or an all-powerful democracy displacing smaller associations and denying the right of resistance. On the other hand, he was not content with that mere equalisation of educational opportunities demanded by most socialists. He saw the urgent need for a reform of the curriculum as well, and one which would not sacrifice literary studies completely to practical subjects. It was a hard-headed humanism, but it was humanism for all that.

All Hobson's writings were characterised by a uniform clarity of expression and an occasional sardonic turn of phrase. A couple of examples of the latter have been quoted above. Two others which one easily recalls have reference to his opinion of his own countrymen. He thought that when an Englishman thinks, 'he thinks he is sick,' and 'John Bull,' he agreed, 'never shakes the tree, but he is always close by when the apples are falling.' 'If the sun ever comes out in Manchester,' he once wrote, 'the watch committee will prosecute it for indecent exposure.' And how much wit as well wisdom is there in this dig at "politicians who are opposed to secret diplomacy until they know the secret!"

—V. K. N. MENON.

NOTICE

The Third Indian Political Science Conference will be held at Mysore on the 28th, 29th, 30th and 31st December, 1940, under the presidentship of Dr. Beni Prasad, Professor of Civics & Politics, Allahabad University.

The subjects for discussion at the Conference shall be:—

- (1) Political Theory with special reference to Greek and Oriental Political Thought.
- (2) Party Government and Public Administration in India.
- (3) Constitutional Development in Indian States.

and (4) International Affairs and Relations.

Papers not exceeding 10 typed foolscap pages should reach Prof. V. L. D'Souza, Mysore University, Mysore, who is the Hon. Local Secretary, before November 15th, 1940. *A brief synopsis should accompany the papers and both must reach Mysore before the 15th November.* This is most important.

The Indian Economics Conference will also be held at Mysore on the same dates and the sessions shall be so arranged that persons can attend both the Conferences if they so desire.

A member of the Association can attend the Conference without making any extra payment. The annual subscription of the Association is only Rs. 10/- and every member receives the Quarterly Indian Journal of Political Science without any additional charge. Members who have not already paid their subscription, may please send it to me as early as possible. They may kindly add -/4/- for the bank commission, if they send a cheque.

Non-members can attend the Conference, read papers and participate in discussions on payment of a fee of Rs. 5/-. Bona-fide students can attend on payment of Rs. 2/- only.

All those interested in the study and advancement of Political Science are requested to become members of the Association.

GURMUKH NIHAL SINGH,
Secretary & Treasurer,
Indian Political Science Association.
H. L. College of Commerce,

AHMEDABAD.

19. 5. 40.

AN INTRODUCTORY NOTE ON CERTAIN MODERN POLITICAL THEORIES

BY

PROFESSOR CHRISTOPHER ACKROYD, M.A.,

Christ Church College, Cawnpore.

Politics is a study of the past, the present, and the future. The past shows what was done formerly, and therefore what mistakes ought not to be repeated; the present shows what is being done, and a study of it reveals how far theory and practice are divorced; the future is really a "blue print," showing what one thinks ought to be aimed at, and the method by which it should be attempted. The past is usually carefully studied by scholars,—but its lessons are often neglected by practising politicians; the future is usually a field for enthusiastic speculation,—often unrelated to reality; the present which should be the link connecting the past and the future, too often is neglected from a scientific point of view. Too frequently, a course of political study seems almost to exclude the present, with the result that when the students of to-day become the political leaders of to-morrow, their minds are either filled with the ideals of the past which they seek to re-establish, or else, they are popular leaders, living in the present, often attacking genuine abuses, but, not realising the significance of what they are doing, and, therefore, unable to foresee the consequences of their actions. To act in the present, dealing with each situation as it arises is the work of the soldier in the field, to plan for the future is the work of the general who is responsible for the strategy of the army, and who must foresee the probable outcome of his actions. The difference between the soldier and the general, is much the same as the difference between the politician and the statesman. The world to-day needs statesmen, but these are not likely to be produced until a similar, careful, unimpassioned, study of existing political movements is undertaken to correspond with the careful study of the past.

One of the greatest difficulties that must be faced in trying to estimate the truth and falsehood of a particular political theory is the popular conception, or rather the popular perversion of the ideal. People are governed by words and phrases, the meaning of which is only partially understood. As a result they advocate policies which are contradictory. An obvious example of this

the result of changeless forces which the statesman can observe without controlling, or else man, once the forces of social evolution are understood, may be able to control them.

A study of constitutional history emphasises the point of view stated above. After a period of military rule during which a kingdom is being won, there comes a period when the despotism of the king is replaced by some form of representation. The representation is of *propertied groups not people*. The House of Commons in England was formed for the purpose of collecting money, and therefore naturally it represented a particular class from which it was hoped to extract money. The "communitas" was a definite organised body, not the "common people" and it was the "communitas" which sent its representations to Parliament. In England the 1832 Reform Bill was really nothing more than the inclusion of another group or Estate within the franchise. In the old Austrian Empire till the year 1907 when manhood suffrage was introduced, election was by economic groups. Similarly, in the old German Empire, the Prussian system was deliberately based on a tax-paying qualification. In short, the old political writers took it for granted that property created the different political groups, and governments were drawn up on a basis to correspond with such groups. In other words, *group interests* formed the essence of politics.

Rousseau was by nature a prophet with a message. He rebelled instinctively against the eighteenth century doctrine of reason, against the idea that if one made man intelligent, man would automatically become good. Against the aristocratic individualism of the philosophers Rousseau urged the idea of citizenship. Unfortunately, Rousseau was a preacher rather than a thinker. The Social Contract which created the citizen was essentially based on the idea of the equality of all human beings. The State was the voluntary union of free men, each giving to himself collectively the rights which he had had before individually. As a result there comes into being the General Will. This idea of human equality was used in the French Revolution to justify the attack on the rights of the nobility. The difficulty, however, arose, that if the nobility were denied special rights, on the ground of human equality, then no group, class, or individual had any reason for having special rights. Whilst the middle classes only desired to substitute the rights of the middle class for the rights of the nobility, they found it impossible to check the storm they had raised.

The difficulty that the nineteenth century therefore was faced with, was that theory and fact were not in agreement. Having

preached equality to the masses, no politician dared tell the truth, that equalitarian democracy was a myth. Therefore, people more and more came to be driven into groups, yet all the time struggling to remain independent individuals superior to groups. The classical political writers recognised that politics and property were inter-connected; the history of the evolution of western forms of government shows the recognition of economic classes. The attempt therefore of equalitarian democracy to disregard the existence of classes was bound to fail, since a thing does not disappear merely because one refuses to recognise its existence. The present world-wide revolution, expressed outwardly in the present European war, is the result of man's revolting against impossible conditions.

The nineteenth century saw the attempt to put Rousseau's preachings into practice against the background of the Industrial Revolution. The two outstanding features of this era were the development of Nationalism, and the growth of Imperialism, which began as a political, and developed into an economic-financial movement. Liberalism, inspired by hope and good intentions, feeding itself on an intellectualist conception of rationalism, strove vainly to control both Nationalism and Imperialism for objects beneficial to humanity. As early as 1862 Lord Acton pointed out the dangers of Nationalism, showing how love of one's own country often resulted in tyranny over others. "By making the State and the nation commensurate with each other in theory, this principle reduces practically to a subject condition all other nationalities which may be within its boundaries. It cannot admit them to an equality with the ruling nation which constitutes the State, because the State would then cease to be national, which would be a contradiction of the principles of its existence. According, therefore, to the degree of humanity and civilisation in that dominant body which claims all the rights of the community the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence." The more a nation believes in itself and in its sincerity, the more apt it is to forget that other peoples are not able to see things from the same point of view. Thus, it is extremely difficult for Nationalism not to become aggressive, and if it becomes aggressive, then, it is likely to find itself engaged in war, and practically every Government realises that if a war has to be fought, the greater the enthusiasm of the people, the more likely is victory to be secured. Hence one gets the glorification of war, the "By Jingo" absurdities of the British in the seventies, the "Remember the Maine" of the Americans, and

nowadays the glorification of war by Mussolini, "War alone brings up to its highest tension all human energy, and puts the stamp of nobility upon the peoples who have the courage to meet it."

When one begins in cold blood to analyse Nationalism, it becomes difficult to say what is essential either for its existence or its growth. Practically speaking, when a group of people believe themselves to be different from other people, and believe, therefore, that, having a common interest which others cannot share, they have as a result the right, if not the duty, to rule themselves, then the spirit of Nationalism is born. The existence of Jewish nationalist sentiment shows that it is possible for a people to believe themselves a nation, although they possess no particular territory. The existence of Swiss nationalism with its three major languages, shows that a common language is not necessary for nationalism. "Nationalism implies the sense of spiritual unity which marks those who share it from the rest of mankind" (Laski). "That unit (the nation) is the outcome of a common history of victories won, and tradition is created by a common effort" (Laski). "Your country is the sign of the mission God has given you to fulfil towards humanity" (Mazzini). This sentiment of Nationalism has grown to such an extent during the last hundred years that as Lord Morley expressed it, "Nationalism from instinct became an idea; from idea abstract principle; then fervid prepossession; ending where it is to-day in dogma whether accepted or evaded." Nationalism then is an emotion, or sentiment, which is no more natural or unnatural than the feeling one has about one's family. Just as a good family man is necessary for good citizenship, so in the same way the family sentiment expands from the family to the city, from the city to the district, from the district to the state, and only through Nationalism can one reach the Internationalist position. But just as the family sentiment, whilst good in itself, may degenerate into the evil of nepotism, so Nationalism may also degenerate. Nationalism becomes dangerous when it tries to develop as though it were completely isolated from the rest of civilisation. An Individualism which fails to recognise that the achievements of the individual are only possible as a result of the inherited experience of the past, and the co-operation of the present, becomes an absurdity, and ends by killing the very thing for which it stands—the development of the individual. No individual can develop apart from the group of which he is a part. In the same way, Nationalism which tries to develop at the expense of others ends by killing itself. If in the enthusiasm of the moment things are done in the name of

“national honour” which are not to the credit of the nation, there is a tendency to forget, and gloss them over. The great danger of Liberalism was this tendency to allow itself to be blinded to the evils of imperialist exploitation. Lord Hugh Cecil when addressing a missionary society in England in 1901 said, “a great many people were most anxious to go with their whole hearts into what might be called the imperial movement of the day, but had, as it were a certain uneasiness of conscience whether after all this movement was quite as unpolluted by earthly considerations as they would desire it to be. He thought that by making prominent to our minds the importance of missionary work we should to some extent sanctify the spirit of Imperialism.” (Quoted by Hobson, *Imperialism*.) If the exploitation of others, and the gaining of large profits is wrong, it is hard to see how the devotion of a part of the profits to philanthropic purposes can sanctify the means by which the profits were originally obtained. Not only do others suffer, but the exploiting nation also suffers. On the one hand, it creates within its own system a centre of discontent and weakness; and on the other hand, it violates its own conscience, and this results in its refusing to recognise the existence of any injustice, and trying merely to suppress all discontent. “When a state advances beyond the limits of nationality its power becomes precarious and artificial. . . . When this happens it has great and permanent difficulties to contend with, for the subject or rival nationalities cannot be properly assimilated, and remain as a permanent cause of weakness and danger” (Seeley). By allowing a particular group within itself to reap profits by exploiting others, in a short time that same group as a result of its economic power will dominate and corrupt the life of the state. The exploitation of India in the eighteenth century produced the “Nabobs,” and the wealth of the “Nabobs” successfully corrupted and destroyed the landed aristocracy of England. Further, to allow a group to exploit a distant colony on the ground that it is inhabited by “inferior” or “backward” people, ends in the same group exploiting the “inferior” people in their own country. “Men cannot discipline themselves in injustice to strangers without ultimately denying the duty of justice to their brothers.” (Laski). “The strength of a chain is the strength of its weakest link,” and loyalty never flourishes where injustice abounds. A State which forgets to be just, which forgets to develop the potentialities of all its citizens will ultimately fail because of the neglect and indifference of its own citizens.

The twentieth century, therefore, opened against a background of Equalitarian Democracy, and Nationalism. Equalita-

rian Democracy had within it the seeds of its own decay since it had separated Economics and Politics. Nationalism also carried within it the causes of its collapse, since it had not forbidden injustice and exploitation, provided these were done under the guise of "national rights" and "national honour." For social progress, it is necessary that people should recognise the inter-dependent nature of society, and the need for "getting together." Right, and by "Right" one should understand this idea of "togetherness," must go hand in hand with Nationalism. During the twentieth century, there has been a steady tendency on the part of certain writers, such as Miss Follett to emphasise the need for people to "get together," the need for the "integrating of personalities" so that by each giving the best that is in himself, the group is able to evolve something which is finer and nobler than the potentialities of any single individual. Nationalism therefore fails, because by itself it fails to check the domination of a strong group over weaker groups, and also because it does not admit the motive power of economic self interest which lies behind many of its actions. Two doctrines which have recently come rather more to the front, Fascism and Communism, claim to have solved the problems created by the nineteenth century.

In the study of Fascism one of the first difficulties to be overcome is that of recognising the reality of the emotions it evokes, which exist side by side with the irrational basis on which much of the Fascist state is erected. Fascism first appeared in Italy, and therefore by noting some of the features of Italian Fascism, and seeing how these have been systematically developed by German Fascism, one may come to a clearer understanding of the strength and weakness of the movement as a whole. The first thing that strikes one about Fascism is that whereas its great rival Marxian Socialism started with a definite political philosophy, which has been steadily developed by three generations of scholarship, Fascism really lacks a coherent philosophy. Often it seems to be little more than an attempted justification of an existing state of affairs. German Fascism was slower in its rise, and therefore was able to develop more of a philosophy. In both Italy and Germany, Fascism in its early days was supported by various discordant elements, peasants and landlords, small shopkeepers and large industrialists, salaried people and wage earners, all of whom were held together by vague promises and generalities. In such a situation it was impossible to make any clear statement without alienating supporters. "There is no need for dogma, discipline suffices." (Mussolini). Thus for the democratic slogans of Liberty, Equality and Fraternity, Fascism

substitutes "three words of a higher, purer, and more noble significance, to wit—Responsibility, Discipline, Hierarchy—which encourage a man to employ all his faculties in an efficacious participation in the national life." (Bodero) It is significant that Feder, the author of the twenty-five articles of the Nazi party which in 1926 were declared to be unalterable, and which it was therefore pointless to discuss, is not now heard of, rumour having it that he has disappeared.

Since the two chief opponents of Fascism were Liberal Democracy and Marxian Socialism, Fascism naturally took the attitude that both these were wrong. Since the Marxists were materialists, the Fascists declared themselves to be idealists. So, too, because the Marxists declared that the economic classes were always opposed to one another, the Fascists claimed that the conflicting class interests could and should be reconciled in the organic totality of the state and nation. Then, again, because Liberalism defended individual liberty, the Fascists represented freedom as being mere whimsicality, and they went on to argue that the pursuit of personal happiness is simply an ignoble desire for selfish advantages. In 1932, when the struggle for power was successfully past, Mussolini stated the Fascist doctrine in an article in the *Enciclopedia Italiana*:—

"Fascism now and always believes in holiness and heroism; that is to say, in actions influenced by no economic motive, direct or indirect. And if the economic conception of history be denied, according to which theory men are no more than puppets, carried to and fro by the waves of chance while the real directing forces are quite out of their control, it follows that the existence of an unchangeable and unchanging class war is also denied—the natural progeny of the economic conception of history. And above all, Fascism denies that class war can be the preponderant force in the transformation of society . . . Fascism denies the materialist conception of happiness as a possibility, and abandons it to its inventors, the economists of the first half of the nineteenth century; that is to say, fascism denies the validity of the equation, well-being, happiness, which would reduce men to the level of animals, caring for one thing only—to be fat and well-fed—and would thus degrade humanity to a purely physical existence Fascism is a religious conception in which man is seen in immanent relation

to a higher law, an Objective Will that transcends the particular individual and raises him to conscious membership in a spiritual society."

By emphasising the part that the spiritual element can play in inspiring and moving a man to action, Fascism is able to urge its followers to disregard all limitations and obstacles. The primitive Christians were strong, because they were not ashamed of, but gloried in their slavery; Marx inspired the proletariat by emphasising their weakness. Fascism in much the same way urges its followers to recognise their own weakness, the strength of other nations, and to realise that it is only their indomitable will power, which will enable them to survive. "The future of a movement is conditioned by the fanaticism and impatience with which its followers represent it as the sole right one, and sweep aside other movements" (Hitler). This spiritual element, based essentially on emotion, not reason, is an important factor in establishing the hold of Fascism over men's minds. It is due very largely to the recognition of this fact, that Herr Goebbels has become such an influential person in Nazi Germany. "He who controls opinion is right. He who is right achieves power." "We must once more appeal to primitive mass instincts" (Goebbels). "Correct application of propaganda is a real art. . . . a truly terrible weapon in the hands of an expert . . . (by it) a people can be made to believe that heaven is hell, or that the greatest wretchedness is paradise" (Goebbels). As a result of this stirring up of mass emotions one is able to form a revolutionary body. The function of a revolutionary is to "unleash volcanic passions, to rouse outbursts of anger, to set masses of men in motion, to organise hatred and despair with ice cold deliberation so to speak with legal means. It is this which distinguishes the true revolutionary from the revolutionary gas bag (Goebbels). Whether one approves of this deliberate creation of mass hysteria or not, one has to recognise its importance, and its success; one has here the recognition of the group, and the appeal to the group mind, and reason, which is far more an individual affair is disregarded.

Since Fascism wished to idealise the nation, it found the idealism of Hegel a convenient weapon. The Marxian Socialists had already established their claim to the revolutionary elements of Hegelianism, and therefore the Fascists included the revolutionary elements by glorifying the power of the national will to create the means needed for its own ends. Man, it is said, is a social being, and therefore it is only in society that he is able to realise himself. The State therefore is the rational or directing force in the society. Hence, it is argued that, the individual by

giving up his unreal capricious will, finds his true self in the service of the state,—in fact, the old argument of the “real” will and the “actual” will again comes to the fore. “For Fascism society is the end, individuals the means, and its whole life consists in using individuals as instruments for its ends” (Rocco). “Fascism is a religious conception in which man is seen in immanent relation to a higher law, an Objective Will that transcends the particular individual and raises him to conscious membership in a spiritual society.” (Mussolini.) “For Fascism the State is an absolute before which individuals and groups are relative” (Mussolini). “The State not the individual must be the judge of what is right and what is wrong.” (Mussolini.) Previously one has noted that Fascism by recognising the existence of the group, and making its appeal to the group emotion, had won the support of the group; now one finds the justification of such an action, put in such a way that it will appeal to the individual merged in the group emotion. “The Fascist Man is an individual who is at once Nation and Country, the moral law which binds together individuals and generations in a tradition and a mission which suppresses the instinct of a life closed inside the brief cycle of pleasure and establishes in duty a life superior to and free of the limits of time and space; a life in which the individual by means of the abnegation of himself, the sacrifice of his particular interests, even by his death, realises that entirely spiritual existence in which resides his value as a man” (Mussolini). If the individual does not realise the fact, then of course he may be “helped.” “Always the maximum of liberty coincides with the maximum force of the state Every force is a moral force, for it is always an expression of will; and whatever be the argument used—preaching or black-jacking—its efficacy can be none other than its ability finally to receive the inner support of a man and to persuade him to agree to it” (Gentile).

As has been already pointed out, Fascism is opposed both to Liberal Democracy, and also to Marxian Socialism. Now Hegel may be excellent as a weapon to attack Liberal Democracy which has based itself on a fallacy, the fallacy of the “isolated individual,” but against Marxian Socialism which also has the group idea, other ideas must be used. During the nineteenth century beside the Hegelian tradition, there was a steadily increasing romantic revolt which expressed itself in irrationalism. Schopenhauer visualised a gigantic struggle going on, a blind force devoid of reason; in this chaos of irrational force the human mind constructs a small refuge for itself, a little world of its own,

in which reason and purpose appear to exist. This is really a repetition of the age-old cry "Vanity of Vanities; all is vanity." Nietzsche went a stage further, and argued that since life and nature are unreasonable, then the fact should be admitted; recognising therefore the futility of achievement one should rejoice in struggle. Although defeat is inevitable, it is the way one lives, not what one achieves which is of value. Hence one has the cult of the hero, the superman, who rejoices in the struggle thrust upon him. Bergson developed the argument that the motive behind scientific discovery is utility, not the desire for truth. Intelligence therefore is capable of being used as an instrument to control, rather than a means of comprehending life. "Intuition" alone is capable of grasping the organic wholeness, the endless becoming, and change of the universe. Whilst none of the three irrationalist philosophers were directly connected with politics, their influence became marked after the Russian Revolution of 1905 and the publication of Sorel's *Reflections on Violence*. Pareto further spread such ideas, and most probably influenced Mussolini's thinking. The net result of the irrationalist school of thought has been the creation of the idea of the "myth," the carrot held before the nose of the donkey to persuade it to move, the means for securing the allegiance of the masses; secondly, there is the idea of the rhythm of history by which power is seized by a young and vigorous class from the old effete governing classes; and above all, there is the idea that it is the right of the few to govern.

In the case of Italian Fascism the "myth" which lay ready to hand was the Roman Empire. The Fascist writers can therefore appeal to revolution and conservatism, the past and the future at one and the same time. The old days when Rome was the centre of the world must be restored, so runs the argument, and therefore whatever hinders must be destroyed. It is an appeal to people to be conscious of themselves as a part of the continuous stream of history, and therefore something which is essentially felt, and understood only in so far as it is felt. It is not based on reason, since it is a vision rather than a plan, and is based on the "will to power." "We have created our myth. The myth is a faith, it is passion. It is not necessary that it shall be a reality. It is a reality by the fact that it is a good, a hope, a faith, that it is courage. Our myth is the nation, our myth is the greatness of the nation." (Mussolini.) One sees therefore that there must be at the centre a group of conscious fanatics, guiding the masses in a revolutionary direction. Hitler in *Mein Kampf* emphasises that revolutionary impetus consists less

"in scientific knowledge guiding the masses, than in the drive of an inspiring fanaticism, sometimes an actual hysteria". What the Leader demands then from his followers is obedience, since "the thinking inferior is the natural enemy of his superior" (Hitler). Inspired by a fanatical belief in the "myth" and the necessity of success, a group will feel justified in using "the most brutal weapons" (Hitler). "After having made use of violence systematically for forty-eight hours we got results which we should not have obtained in forty-eight years of sermons and propaganda. When therefore violence removes a gangrene of this sort (referring to the General Strike in North Italy in 1921) it is morally sacred and necessary" (Mussolini). "As Jesus did so following him, men have always resorted to acts of violence when they have been convinced that such acts represent law, or some other higher universal interests" (Gentile).

The "myth" of the Roman Empire tended to conceal the essential narrowness of the "myth." At first it was thought that Fascism would refer only to the past, but the rise of German Fascism has brought out what was previously present, though possibly incompletely realised, namely the racial, or national character of the Fascist "myth." There is no point in appealing to the past unless one is connected with it; therefore to appeal to the Italian past will be attractive only to Italians, the descendants of the citizens of the Roman Empire. It is an appeal to a particular group, or unit, usually termed "nation." In other words, whilst Italian Fascism had unconsciously within it the idea of race, the German Nazi Fascism made this clear from the beginning.

In *Mein Kampf*, Hitler develops at length the idea that man is not guided by interests, or to speak symbolically, by gold, and that man's fundamental aspiration is not to live in comfort with riches, happiness, or even power. Man is great only when he is ready to sacrifice everything for a great idea. Any movement which does not rest on an idea will fail because it will lack the necessary militancy to reach its goal. "The conviction that one has the right to make use of even the most brutal force is always bound up with a fanatical faith in the necessary triumph of a new order on this earth. A movement which does not fight for its highest ideals will never resort to the final test of arms" (Hitler). This may be compared with Mussolini's dictum that "War is to man what maternity is to a woman." The supreme idea for Nazi Fascism is the "Race Myth."

The Nazi religion of race is not to be confused with the cult of the state as honoured by Hegel, and as developed in the

former German Empire. Hitler is very clear that *the State is not an end but a means*. Whilst it is the necessary condition for the formation of a culture, it is not itself the cause of the culture. The Race alone is capable of creating a culture, and therefore Race alone is the cause of culture. The State then is powerless to guarantee the development of a particular culture; the State cannot guarantee the development of a people; the State cannot guarantee the survival of a people. All the State can do is to maintain the creative Race in all its strength and purity. However strong the State may seem to be, once the racial purity has been lost, the spirit, the soul of the people has become weakened, and the State is merely a gorgeous shell concealing the inner weakness. The aim of the State is "the preservation and furthering of a community of living beings of the same physical and spiritual essence" (Rosenberg). The State then becomes not unlike the Supreme Court in the United States, "the watchdog of the people." The creative genius rests in the *blood* and it is the duty of the State to preserve the purity of the "blood." The "perfect State" is therefore that State which most successfully and completely preserves the purity of the "blood." Once the "blood," the sole source of all beauty, all truth, all greatness, has become contaminated, the State is bound to perish. It is worth noting that this doctrine is very different to the doctrine of strength preached by Spengler in *The Decline of the West* and more especially in *The Hour of Decision*. Spengler thinks of man as "an animal of prey," and therefore peace is an unnatural interlude between two wars. The State thus becomes an athlete ready always for battle, and in the present state of world chaos the hegemony of the world will eventually be won by a leader with an iron will, and a devoted army, who will triumph in a world weary of bloodshed. In Spengler's idea, and in the Nazi conception there is the idea of struggle, and the general agreement about the rottenness of existing States, but whereas Spengler belongs to the purely pessimistic group, the Nazi Race Myth does give definite hope, and a definite goal.

It is also to be noted that the Nazi Race Myth in itself is isolationist rather than expansionist in its relationship with other powers. None can rise superior to their "blood," and therefore other people can never become members of the "blood group." Since the aim of the State is the preservation of the "blood" purity, conquest of other peoples is never thought of, except in so far as it is necessary to complete the "blood group." For example, the Germans living in what was at one time termed Czechoslovakia, were members of the German "blood" group.

The Czechs were a "sub-race" of "pygmies" (Goering) and therefore it was the *duty* of the German people to rescue their blood brothers. The State preserves the purity of the "blood" but one could not expect a non-German state to preserve the purity of German "blood." For this reason there was really nothing inconsistent in Hitler's pre-war policy of preparing armaments on the one hand, and at the same time preaching peace. Hitler's whole policy has been to secure the Race, and to establish peace. Austria, which was held to be a part of Germany kept separate by the machinations of the Jews, was treated differently to Czechoslovakia where there were "islands" of Germans to be rescued. It is quite in keeping with the Race Myth that the Baltic Germans were brought away from the Baltic States into Germany. Whether one accepts or rejects the Nazi Race Myth, one has to face the fact that German Nazism is based on a clearly, keenly felt, group consciousness.

It is impossible to read widely in Nazi literature without being struck both by the all pervasive "racial" atmosphere, and the fervour with which writers endeavour to show that the Race Myth is supported by the most recent findings of biology, anthropology, and in short by every single science. "The Biological medicinal sciences of the past thirty years have taught us that man is conditioned in both his bodily and spiritual qualities, much more by hereditary endowment than by all environmental factors whether these be food, sport, or education" (Gross). "There can be no question about the fact that the human species is in its historical development, as also in many expressions of its life, unity. But human being first acquires its deeper meaning when these superficial characteristics are deepened and given their peculiar imprint by the spiritual and character forming properties which have their only sure expression in race and people. *No thinking and feeling can, if it is genuine, and profound, overstep its racial boundaries.*" (Rosenberg). It is for this reason that any book written in German by a German speaking Jew officially must be, "written in Hebrew and then translated into German." "Miscegenation and the sinking racial level resulting from it are the *sole cause* of the extinction of ancient civilisations" (Frick). "Blood and soil as the fundamental sources are moreover the symbols of the national political point of view and of the heroic style of life . . . Blood is the builder of body and the source of the spirit of the race. In blood lurks our ancestral inheritance, in blood is embodied the race, from blood arise the character and destiny of man" (Kriek). "National Socialism is characterised by an heroic attitude towards

all problems of existence. This heroic attitude derives from one single but all decisive profession of faith, namely, blood and character" (Rosenberg). In short, blood is everything, and the state, politics, economics, society, religion, everything in short is determined by this one thing—blood.

Rosenberg whose *Myth of the 20th Century* is the classical text-book on the subject, deals exhaustively with this theory as applied to other nations. Each race has its own particular soul, its own religion. "Soul means race viewed from the interior; and inversely race is the external aspect of the soul" (Rosenberg). To realise the soul of a race means that one discerns the value placed at the head of the table of values. Each race has, therefore, a different value, and so there can never be any unity among the different races. There is the greatest possible diversity of races, which is due to the diversity of blood mixtures. Once it is admitted that Blood is the determining factor of character, personality, ideas, and action, then any variation in blood must of necessity mean variation in character, personality, ideas, actions, and in the whole system of values which is set up. Anything therefore which claims to be universal and world wide must be untrue, because it could only be true if there was one universal race. All the sufferings of mankind can, therefore, according to Nazi writers, be traced back to this idea of universality whether of religion, morality, or culture. Anything then which defiles, or weakens the racial purity in any way is to be condemned, and any race or group which attacks the racial purity is to be dealt with without mercy. The Jew is regarded as being barely human. "The Jew is a mongrel . . . evil always predominates in the case of a mongrel." (Rosenberg). From this to the calm statement that "Judas the Jew betrayed Jesus the German to the Jews" is but a step. If any evil has been done, it must have been done by someone whose blood was essentially evil; therefore betrayals must be the work of Jews; murder must be the work of Jews; opposition to the German Race must be the work of Jews. Once granted that blood is the decisive factor, everything else follows with a falsely logical simplicity. This difference in blood accounts for all human differences. Thus one finds the German Minister for Agriculture, Herr Darre explaining that the Jewish hatred of pigs is due to the Jewish blood. "The Semites reject everything that pertains to the pig. The Nordic peoples on the contrary accord it the highest honour . . . This predominance of the pig, the sacred animal . . . has drawn its originality from the great trees of the German forest . . . Thus out of the darkness of earliest history arise two

human races whose attitude in respect of pigs presents an absolute contrast The Semites and the pig are faunal and thus physiological opposites. It is not unthinkable that the eating of pig flesh by the Semite sets up physiological disharmonies in his body The Semites do not understand the pig, they do not accept the pig, they reject the pig, whereas this animal occupies the first place in the cult of the Nordic peoples."

The difference of races is due to the difference of their blood, and for Rosenberg the superior race is the Nordic race. The supreme value recognised by the Nordic race is Honour, and a restless striving after what can never be reached, an unending struggle, goes with it, all of which is seen personified in the old Norse diety, Wotan. "The ceaseless wanderer (Wotan) is the symbol of the Nordic soul in its ceaseless striving and its eternal becoming, never self satisfied, and never falling back on Jehovah or his representative." (Rosenberg.) Anything then in German history which is thought to be good, must be an expression of this Nordic blood; a Prussian military march; a piece of music by Bach; a sermon, or some heroic legend of the past; all alike are outward manifestations of the same thing. Since the Nordic blood is not universal, anything which threatens to contaminate it, anything which claims universalism, such as Catholicism, or Humanism as expressed by the Free Masons, must be opposed, since it emphasises the oneness of humanity, not the difference of the Blood. The gospel of Christ is therefore condemned as "that unmanning doctrine which by prating of world-wide love and kindness has inflicted a deadly wound on the spirit of Nordic Europe (Rosenberg). "What we need is not sympathy and love for persons of alien blood, but the ruthless protection of the menaced Nordic race in which the mystery of blood is embodied." (Rosenberg.) "The new faith that is now coming to life the myth of the blood, is the belief that in defending the heritage of our blood we shall be defending the divine essence of man the belief that Nordic blood represents the mystery which has replaced and overcome the ancient sacraments It can tolerate no rival whether Christian love, freemasonic humanity, or Roman philosophy The God whom we honour would be nothing were it not for our soul and our blood." "Only to-day are we beginning to recover from the mental disorder of Christianity, but the psychosis still contaminates our thoughts and actions It is essential for us to rid ourselves of every trace of a foreign religion We cannot substitute the Swastika for the Golgotha cross unless we replace Christianity by a German religion" (Bergmann). "We moderns recognise only one sin,

the deadly Sin which Christianity has committed against mankind. Our German youth, now profoundly committed to the Nordic faith regards Christianity as a lasting disgrace." (Bergmann.)

One final point which must be noticed really follows from what has already been pointed out about the blood, or race myth, —the problem of Leadership. If it is accepted that blood is the determining factor in action, then it follows that people with bad or defective blood are not fit either to be leaders or to assume responsibility. Very early, in the history of Fascism Mussolini emphasised the idea that government must be in the hands of the few. "Fascism denies that the majority, because it is a majority can direct human society Those who cannot control their own families have no right to control the State It is time to say; A few and chosen. Democratic equalitarianism, anonymous and grey which forbade all colour, flattened every personality, must die." (Mussolini). The idea of the Fascist State is essentially that of the pyramid, at the top the Leader, and then gradually down to masses forming the base. To a non-Fascist, the way in which the masses seem ready to accept the idea that they are unfit to govern themselves, whilst they are fit to govern others seems somewhat surprising. Writing in the aptly named *Gerarchia* (Hierarchy) in 1922, Mussolini said, "Whoever says hierarchies is committed to a scale of human values; whoever says a scale of human values says a scale of human responsibilities and duties; who says hierarchy says discipline. History offers us the panorama of hierarchies which arise, live, transform themselves decline and die." In the case of Italian Fascism much of this seemed to be special pleading in defence of the existing Fascist government. Rocco, for example, in his article on *The Political Doctrine of Fascism*, wrote "Fascism insists that the government be entrusted to men capable of rising above their own private interests and of realising the aspiration of the social collectivity, considered in its unity, and in its relation to the past and future. Fascism, therefore, not only rejects the dogma of popular sovereignty and substitutes for it that of state sovereignty, but it also proclaims that the great mass of citizens is not a suitable advocate of social interests for the reason that the capacity to ignore individual private interests in favour of the higher demands of society and history, is a very rare gift and the privilege of the chosen few." This is all very well, but like so many other pleas for aristocracy it gives no clear guidance as to how the aristocrats may be selected. Mussolini in his article in the *Enciclopedia* argues that the Idea which everyone wants "becomes actual in the people as the conscience and will of a few, or even of One—an

ideal that tends to realise itself in the conscience and will of all." The great merit of the blood myth is that it does give one a definite ground for selecting one's leaders; if their blood is good, then their actions will be good; the better their blood the more fitted must they be for leadership, until one finally comes to the Leader who sums up in himself the whole "Race Myth." There must then be "authority from the top down and responsibility from the bottom up" (Hitler). The group becomes organised on much the same lines as an army, and its mental processes, and sense of values is adjusted accordingly, while the Leader at the top is then the best person among the best people in the world. Everything must be done to build up a sense of passive obedience among the followers, and use must be made of all available means "from the child's first picture-book to the latest newspaper, every theatre and picture show, every bulletin and bill-board" (Hitler). "What is needed is the crude soldier because otherwise inner discipline is unobtainable" (Hitler). What is desired is not the intelligence of the individual member, but "the docility with which the members follow intelligent leadership" (Hitler), since "the thinking inferior is the natural enemy of his superior" (Hitler). "He who controls opinion is right. He who is right achieves power" (Goebbels). As a result the Leader very soon comes to be regarded as a god. Thus "Hitler is a new, a greater, a mightier Christ," "Hitler will become the God-Idea of the future as Christ has been for two thousand years" (Bergmann). "God has called the Leader, and the Leader has called his people . . . Through Adolf Hitler God has once more summoned us to become a people" (Goebbels).

As compared with the nineteenth century idea of Democracy based on the equalitarian fallacy of Rousseau Facism is obviously stronger, and if it is wrong, or defective it is so in an entirely different manner. Democracy and the ballot box soon tend to reduce people to a dull uniformity, and even the personality of the leaders has to be made to appear as ordinary as possible (since in a democracy "Jack being as good as his neighbour" the successful leader is usually the man who appears to be "most ordinary," as for example, Lord Baldwin and his "pipe"). In Fascism on the other hand, there is excitement and colour, and people are lifted out of themselves and their dull surroundings. Secondly, equalitarian Democracy tends to be blind to the existence of social evils and injustices, since it assumes the separation of politics and economics, and tends also to assume that the millenium will come simply through use of the ballot box, which is too often regarded by the majority of citizens as the

final act, and not merely as the first step on the road to action. Fascism on the other hand, can recognise injustice and evil, and can boast that these did not exist in the past, and should not exist in the future. Thirdly, it is often difficult in a democracy for an appeal to be made to the past, since this may mean glorifying monarchies whose defeat alone made possible the rise of the democracy. Thus, it is difficult to give the idea of "nation" any stimulating and concrete form, or reference. For a French democratic republican for example, there would be difficulties in the way of identifying French nationalism with the reign of "the Sun King." Fascism by its frank appeal to the continuous stream of history, and above all by its materialisation of the emotion of the nation with the conception of blood (something definite and comprehensible), strengthens and inspires the nationalist sentiment. Then too the argument that the duty of the State is the preservation of the purity of the blood since from it alone everything comes, gives the State, and those who control the State, an opportunity to destroy any opposition, and to organise the State so as to make opposition virtually impossible. Finally, by concentrating the attention of the masses, almost by hypnotising the masses, on one particular individual, the Leader, who is the embodiment of the whole racial idea, and who is therefore above criticism, Fascism becomes clear, concrete, concentrated, inspiring a fanatical group loyalty, and apparently able to deal with all difficulties. Against Fascism it may be argued, that the individual personality is disregarded; true, but then ordinary "democratic" economics disregards individual personality in practice if not in theory unless the individual has sufficient wealth. Fascism, it may be argued, is based on a false "myth" of "racial exclusiveness"; but Democracy is also based on an equally false myth, whether one calls it "Government of the people, by the people, and for the people," or "the white man's burden." In short, the ideals may be excellent, but they have no chance of being practised, since the theory of democratic equality started by Rousseau is contrary to the facts of life in so far as it attempts to split life up into separate compartments, instead of treating politics, economics, and the other social sciences as different, but inter-connected aspects of the same thing.

The other influential group movement at the present time is the Marxian Socialist, or Communist movement, though it like Fascism, suffers very often from preconceived ideas. People have in the past assumed, either that Communism meant the introduction of compulsory uniformity, or else that it meant the perfect expression of democracy. Another difficulty in judging

Communism, is that whilst there exist Fascist states, so that their theory and practice may be compared, there are no parts of the world which to-day are really Communist, though there are parts which may be in the process of becoming Communist. Thus, in trying to form an opinion about Communism one must consider the ideas of Communism as expressed by Marx and subsequent writers; and one must try to see how far "communism in transition" helps to reveal merits or defects not at first apparent in the philosophy.

Marx grew up and lived during the nineteenth century which was dominated by Hegelian philosophy, influencing thought; Darwinian discoveries, which so surprised people that everything tended to be expressed in terms of biology; and finally, the economic theories of *Laissez faire*. At first Marx was a keen follower of Hegel. He kept the "idealist" way of thinking but applied it "materially." Thus he opposed both the crude "materialist" which tended to isolate and therefore to fail to understand the organic unity of nature, and he also opposed the "idealists" who argued that material reality is only a reflection of thought. Engels in *Anti-Duhring* points out that as a result of analysing Nature into its individual parts post-Renaissance science had been able to progress. "But this method has left us as a legacy the habit of observing natural objects, and natural processes in their isolation . . . therefore not in their motion but in their repose. . . not as essentially changing, but as fixed constants; not in their life but in their death . . . and this is so because in considering individual things it loses sight of their connections . . . it cannot see the wood for the trees." (Engels). He then goes to point out that the Greek philosophers had correctly presented Nature as "an endless maze of relations and interactions in which nothing remains what, where, and as it was . . . ; everything is, and also is not, for everything is in *flux*." (Engels). Whilst it was necessary to acquire knowledge, and whilst this could be done only by analysis and dissection, the Idealists had re-emphasised that the whole world was really a "process," "in constant motion, change, transformation and development . . . from this standpoint the history of mankind appeared . . . as the process of the development of humanity itself" (Engels). The world must be understood not as a "complex of things," but as a "complex of processes." Marx and Engels then set about collecting evidence to show that the law of motion, which Hegel realised as existing in the world of thought, was also observable in the objective world, and that these laws could be embraced by the term "Dialectical Materialism."

“Dialectics reduced itself to the science of the general laws of motion—both of the external world, and of human thought.” (Engels.) “There can be no question of building the laws of dialectics into nature, but of discovering them in it, and evolving them from it (Engels).” Dialectics is nothing more than the science of the general laws of motion and development of Nature, human society, and thought ” (Engels).

As a result of the observations of Marx and Engels in the record of human achievement, they came to the conclusion that mankind does not progress steadily upwards, in a regular straight line. Always there seem to be debits, as well as credits. Athenian civilisation was very fine—but it was based on slavery; modern industrial progress is magnificent—but it has created industrial slums, and millions of unemployed people. Nevertheless, when an evil becomes so great that a change is necessitated, the good which has been achieved may be retained. Thus, it is not necessary to abolish scientific technical progress when the time comes to abolish industrial slums. Progress then is a “spiral” or “progress by negations,” the old order always being “negated” to give place to the new order. The history of land ownership in society gives a good illustration of what happens. ‘All civilised people begin with common ownership of land. With all peoples who have passed a certain primitive stage . . . this common ownership becomes a fetter on production. It is abolished But at a higher stage of agricultural development, brought about by private property in land itself, private property in turn becomes a fetter on production ’ (Engels). In much the same way it is claimed that this “Law of the Negation of Negation” applies to organic and inorganic matter, and not only to historical phenomena. The grain of barley “grows flowers, is fertilised, and finally once more produces grains of barley, and as soon as these have ripened, the stalk dies and is in its turn negated ” (Engels). In mathematics one has the term “ a ” negated into “ $-a$ ”; which in turn is negated when “ $-a$ ” is multiplied by “ $-a$ ” and becomes “ a ” with two roots “ a ” and “ $-a$.” Further, when this process of negation is going on, it must be a gradual process. “Mr. Tom Jones ” is still “Mr. Tom Jones ” whether one thinks of him as a baby aged two weeks, a young boy aged twelve, a young man of twenty-two, or an old man of eighty-two; but although in every case it was same “Mr. Tom Jones,” in every case there is an obvious difference. Now whilst the difference over a period of time may be perceptible, at no single moment can the change be clearly noticed as having taken place. Thus everything is, and at the same time is not, because it is becoming something else.

But it is also true that whilst there is the gradual process of change going on, the fact that the basic units are changing must ultimately result in a change in the thing itself. Thus water may be composed of two parts of Hydrogen to one part of Oxygen, but the water may be vaporised into steam, or solidified into ice. This idea of gradual change going on the whole time, does not mean that evils will gradually decay of themselves. This if true would reduce life to a fixed level of predetermined history. But it does mean, that there is change, and man must be ready to make the change beneficial to humanity, rather than harmful.

If then, there is to be recognised a continuous series of changes and interactions in all observable phenomena, and in society, the question arises, whether there is any *main, or chief reason* for such changes taking place. According to the Marxist theory economics is one of the *main, but not the sole cause* in preparing the way for a change. "According to the materialist conception of history the determining element in history is *ultimately* the production and reproduction in real life . . . If therefore someone twists this into the statement that the economic element is the *only* determining one, he transforms it into a meaningless, abstract, and absurd phrase. The economic situation is the *basis* but the various elements of the superstructure . . . political legal, philosophical theories, religious ideas and their development into systems of dogma—also exercise their influence on the course of the historical struggles, and in many cases preponderate in determining their *form*. There is an interaction of all these elements in which . . . the economic movement finally asserts itself as necessary . . . We make our own history but in the first place under very definite presuppositions and conditions. Among these the economic ones are finally decisive" (Engels). When one applies this method to people, or to history it suggests that whilst the leaders were sincere in their demands, and their statements of policy, these were not self-explanatory. The fact that a man preaches in favour of liberty, can be only really understood, when one understands why at that particular time the man is preaching in favour of liberty rather than in favour of something else. Ideals are not themselves the reasons for a movement; ideals are expressions of something else; ideals actually are important as showing what is defective or lacking at a particular time, and one must discover what is defective, and why the defect has arisen, if the movement is to be understood, or the defect remedied. The ideals of "Liberty, Equality, Fraternity" do not themselves explain the French Revolution; to understand the French Revolution, one must discover the motive

cause behind the French Revolution—the decay of the feudal system and the rise of the middle classes. “Ideology is a process accomplished by the so-called thinker consciously indeed, but with a false consciousness. The real motives impelling him remain unknown to him, otherwise it would not be an ideological process at all. Hence he imagines false or apparent motives” (Engels). Recent psychological studies have more than supported this contention, that people often act on account of motives which they do not themselves fully realise. In the *Critique of Political Economy* Marx deals with the matter, shortly, but very clearly.

“In the social production which men carry on they enter into definite relations that are indispensable, and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and spiritual processes of life. It is not the consciousness of men that determines their existence, but on the contrary their social existence determines their consciousness. At a certain stage of their development the material forces of production in society come in conflict with the existing relations of production, or—what is but a legal expression for the same thing—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution. With the change of the economic foundation the entire immense superstructure is more or less rapidly transformed. In considering such transformations the distinction should always be made between the material transformation of the economic conditions of production which can be determined with the precision of natural science, and the legal, political, religious æsthetic or philosophic—in short, ideological forms in which men become conscious of this conflict and fight it out.”

History thus becomes a series of successive stages of economic change and development, in which each particular system develops its own corresponding social and political system, and these disappear with the overthrow of the system which brought them to birth.

Previous to the Industrial Revolution the prevailing economic theory had been known as the Mercantilist Theory. It was argued that it was the duty of the government to make the nation as strong as possible; any imports meant a weakening of the national resources since these had to be paid for, and similarly any exports were a strengthening of the national resources, since these meant that money (wealth) passed from the hands of the foreigner; therefore the government was expected to control and regulate all trade and production to encourage exports and check imports. Adam Smith started the *laissez faire* school which argued that since each person would naturally do what was in their own self-interest, each person should be left absolutely free in economic matters. In this way it was thought that each individual would become richer, and the nation as a whole would benefit. This theory fitted in with the needs of the capitalists at the time of the Industrial Revolution when they needed accumulated savings for building factories and extending production, and obviously the greater the profits, the more money could be saved further to extend production. An increase of wealth did not mean any lessening of the poverty of the people in the fifteenth century in England, when the landlords changed from agricultural to pastoral sheep-farming, when as Sir Thomas More wrote in his *Utopia* "Yea poverty itself, which only seemed to lack money, if money were gone it also would decrease and vanish away." In the same way the Industrial Revolution meant appalling poverty so far as the masses were concerned. Now just as the *Laissez Faire* theory developed as a critique of the Mercantilist Theory, so in the same way Marx developed a critique of the existing system, demanding the introduction of Socialism. It was in this connection that Marx worked out his theory of *Surplus Value*. He argued that the real value of an article was "the socially necessary labour time" required for its production. Therefore, each successive improvement of technique meant a corresponding reduction in the value of an article, since less time was necessary for its production. The price of an article however is not fixed according to its value, but fluctuates according to the general state of the market. Now, an individual is able to participate in the economic system, and to possess an effective "demand" only when the individual has established a claim on

the economic system. A claim may be established either through ownership of the materials necessary for production, or through actual work. The labourer therefore establishes his claim on the economic system, and his right to share in what is produced by selling his labour power. This labour power is paid for in the form of wages. Now, wages are not fixed according to the value of the work done. If the worker works for "x" hours, in that time he will produce articles valued "y". The amount that he is paid per hour for working "x" hours which may be termed "z" will be fixed as a result of agreement between the labourer and the employer. If the employer has to pay the full value "y" then there is no gain to the employer. If however the employer pays "z" which is less than "y" the employer gains the difference "y - z" which is termed Surplus Value. Thus the employer is able to get the money needed for building more factories and extending production. On the other hand, the system brings its own nemesis. No one can afford to manufacture articles, unless he is able to sell them for more than they cost to make. Therefore unless people can buy there is no point in producing. As a result of the labourers purchasing power being restricted, on account of their being deprived of the Surplus Value, the labourers after a short time are unable to purchase, and the market collapses. Therefore Marx argued, the capitalist system will dig its own grave.

Dialectics, Historical Materialism, and the above theory of value lead to the conclusion that "the history of all hitherto existing societies is the history of class struggles" (Marx and Engels). The class struggle is therefore, according to Marx, something which is going on the whole time. In every stage of history there are always the two classes, struggling together, the one trying to rule the other; those who "have," and who are ruling, trying to remain the rulers, and those who "have not" trying to become the rulers. Since the classes exist, and since the class struggle exists also as a result of the existence of the classes, therefore it is necessary that the class struggle should be ended as soon as possible. If the existence of the classes depends on the existence of a particular economic system, and method of property ownership, therefore by altering the control of production, and so ending the causes for the existence of the different classes, the class struggle will be ended, and all people will belong equally to the same class.

During the latter part of the nineteenth century, and the early part of the twentieth century, the general standard of prosperity seemed to be rising in Europe, and therefore people began

to argue that Marx was wrong in his ideas. Whilst it was generally admitted that uncontrolled *laissez faire* produced scandals, it was thought that by "gradualism," by persuading people by slow degrees, one would eventually be able to introduce a new heaven and a new earth. In other words, the enemy was thought of rather as the blind, or selfish individual, than the soulless system. Lenin, however, whilst claiming to observe strictly the theories of Marx and Engels re-stated Marxian Socialism in a way which became politically effective.

In his first vitally important pamphlet, *What is to be done?*, he argued that it was essential that the socialist movement should be organised as a small group of devoted workers, and should include not only members of the proletariat but also socialist intellectuals. In discussing the history of the Russian labour movement up to that date (1904) he argued that it was impossible to expect a militant socialist consciousness to exist among the workers. "This consciousness could only be brought to them from without. The history of all countries shows that the working class, exclusively by its own effort is able to develop only trade union consciousness." (Lenin.) Lenin then pointed out that socialist theory was originally the creation of educated bourgeois intellectuals like Marx and Engels, and that a purely trade union movement could not develop its own ideology, but would be guided either by the socialist intellectuals, or by the middle class political leaders. If this is true, then it means that the party becomes important, because it is the party which will influence and lead the masses. It is therefore vitally important that the party should decide on a policy, and having decided that all members of the party should obey without question. In order that a correct policy may be decided on it is important that the whole situation, or problem, should be objectively examined, and discussed, and if this is to be done correctly, then all party members must have a firm grasp of the principles of socialism. What then is needed is "a small compact core, consisting of reliable, experienced, and hardened workers, with responsible agents in the principal districts and connected by all the rules of strict secrecy with the organisations of revolutionists, "these" can with the wide support of the masses, and without an elaborate set of rules, perform all the functions of a trade union organisation, and perform them moreover in the manner Social Democrats (at that time the Communist Party did not exist) desire" (Lenin).

Beside the re-organisation of Marxian Socialism so that it became a politically effective party, Lenin also worked out an explanation for the rising prosperity of Europe during the

previous half century. In his book *Imperialism; the Highest Stage of Capitalism* (written in 1915), he argued that from the Paris Commune of 1871 to the outbreak of the war in 1914 was a period of expanding Capitalist Imperialism. Previously, it has been pointed out that according to the Surplus Value explanation, the limiting of the income of the workers to provide the capital for industrial expansion, must result in a limitation of the purchasing power of the workers. Therefore unless fresh markets could be discovered, the very success of the Industrial Revolution in increased production must result in the ultimate creation of a society in which a small group would own so much of the means of the production that they could produce everything needed, but nobody hardly would be able to buy. To avoid this catastrophe the various industrial countries proceeded to establish colonial empires, and so to provide fresh markets for the surplus capital looking for fresh investment to earn fresh profits, and also to provide markets for the purchase of raw materials, and sale of manufactured goods. This discovery of fresh markets delayed the catastrophe which Marx had prophesied for Europe, but after a certain period of time even the new markets were capable of no more expansion, and therefore the rival industrial countries found themselves involved in war. It was really a continuation of this same idea that led Lenin on his return to Russia in 1917 to advocate the idea that a revolution was possible before the bourgeois period was "completed." He realised that whilst a "revolutionary situation" could not occur without a certain stage of economic development being reached, it was the work of the intellectuals to realise when the moment had arrived. He also realised that government is always by a small group of determined people, and that unless the interests of the majority, and of the ruling class coincide, majority rule never really exists. He therefore argued that "at the decisive moment, and in the decisive place you *must prove the stronger one*, you must be *victorious*" (Lenin). This gave a definite line to the party, which line has since been attempted by others. Roughly speaking, it is, that it is the duty of the party to see which particular policy in any given situation will be most likely to assist in the eventual triumph of the revolution. "The task of a truly revolutionary party is not to declare the impossible renunciation of all compromises, but to be able *through all compromises*, as far as they are unavoidable, to remain true to its principles, to its class, to its revolutionary task" (Lenin).

The philosophy evolved by Marx, Engels, and Lenin has been amazingly successful in inspiring people to action. The

Marxist has a fanatical consciousness of his own moral uprightness. * He is conscious that he is acting from no selfish motives; whether he sacrifices himself, his family, or his friends, it is all part of the inevitable price to be paid for the establishment of social justice. John Steinbeck in *In Dubious Battle* which is the description of an unsuccessful strike in a fruit valley in America gives a vivid description of the working out of this fanaticism. The communist leader, in discussing the chances of success with a newly joined member who is working with him, says "I don't think we have a chance to win They (the employers) will start shooting, and they'll get away with it. We haven't a chance But you don't want to worry about that. The thing will carry on and on. It'll spread, and some day—it'll work. We've got to believe that." Again, later on when one man is killed, immediately the dead body is used for its propaganda value in rousing opinion; in the same ruthless way the strikers attack a group of strike breakers so as to inflict the greatest amount of injury, "Jim looked without emotion at the ten moaning men on the ground, their faces kicked shapeless. Here a lip was torn away exposing bloody teeth and gums; one man cried like a child because his arm was bent sharply backward, broken at the elbow." Notice that phrase "without emotion." Or again the description of a schoolboy being deliberately beaten up because he intervened in the strike. Fanaticism of this sort will achieve results, however revolting it appears to be to an observer. Together with this sense of moral righteousness there goes a sense of human value and self respect. The class conscious worker feels himself a member of a class, and is as proud of his membership as any wearer of "the old school Tie" could possibly be. He feels himself to be an aristocrat, a leader, a man with a mission. The very fact of his organisation frequently being declared illegal, the fact that meetings have often to be held in strict secrecy, all increases his consciousness of being a member of *the elite* and therefore his devotion to the group increases with opposition rather than diminishes.

Just as Fascism when compared with equalitarian Liberal Democracy was seen to possess certain advantages which would seem to account for its rise to prominence, so in the same way Marxian Socialism has certain clear advantages over democracy. In the first place Communism is militant, and energetic. The idea of the group which it embodies makes its followers realise that they cannot confine their activities to their own interests. Communists feel that they are connected and concerned with what happens to other people. One of the weakness of modern

democracy is that the emphasis on the individual tends to make each individual self-centred, and self-regarding. The individual, John Citizen, is more concerned with his little garden, and his wife with the affairs of her friends, and her family, and they have little realisation of their responsibility and share in the general affairs of the country. Once every five years or so they have a chance to vote, but often they allow this right to go by default. Then when a crisis comes they are startled and unprepared. Then again, Communism is clear, and Communists know what it is that they are aiming at, and what they desire to achieve. The ordinary democrat has very vague and hazy ideas about matters. He has no comprehensive view of the world as a whole, and so each problem is realised only when it has become urgent, and usually a person who only thinks about a matter when it becomes urgent has no opinion worth considering. Thirdly, as a result of its militancy and clearness Communism does seem to offer an explanation of the "why" and "wherefore" of things. Therefore whilst one may disagree with Marxist literature one does not put down a book when it is finished, with the feeling that everything is so puzzling that one does not quite know what to do about it. A book, for example, like Sir Richard Acland's *Unser Kampf* is good, until it comes to the last chapter when one feels exasperated that after all that has been said, all that one can do is to try to make things work properly so that all will turn out well. Communism thus gives the individual a hope and an objective, and a way in which the objective may be achieved. It also recognises that the group is essential to the individual, and that the two are really complementary to one another. Finally, by recognising the existence of economic problems and basing itself on the need for man controlling the economic system rather than being controlled by it, there is no danger of the economic system being allowed to dominate society in its own interest in the same way as tends to happen in the democracies. In a Liberal Democracy the separation of politics and economics, and the attempted disregard of economics results in the economic system being allowed to dominate matters without society as a whole being aware of what is happening.

When one compares Fascism and Communism one is struck by certain points of similarity, and also by certain fundamental differences. In the first place, both systems are essentially "group" conscious, and therefore both are fundamentally more alike, than either of them is to Liberal Democracy, which is essentially "individual" conscious. Both are therefore "socialist" rather than "individualist." Secondly, both creeds inspire

fanatical devotion in their followers. Communism however seems to be able to continue to inspire people even during and after a defeat, and whether Fascism will have the same power one does not know,—as yet. Thirdly, both Fascism and Communism offer an explanation of the history of society; Fascism suggesting that the clue to history is to be found in the “race,” and Communism suggesting that it is to be found in the class struggles of the different economic groups. Whilst both are therefore universal in one sense, Fascism is narrower and more exclusive than Communism. Communism offers mankind a theory and an explanation which all may accept. Fascism on the other hand, whilst explaining that race is the clue to history, automatically implies that there can be no universal union, and each group must be self-centred. Fourthly, both philosophies are anti-Liberal, and anti-Democratic. At the time of the Popular Front governments in France and Spain certain people began to think that Communism had ceased to be anti-Democratic forgetting what Lenin had said about the need for compromise on occasions. It had indeed ceased to be virulently anti-democratic, but only for a time, and only because the needs of the situation demanded it. But neither Fascism nor Communism has any hope of real good coming from Democracy. Fifthly, in both cases one finds that the government is really a party dictatorship. In both cases, the same reason is put forward, namely, the need for protecting ignorant and immature minds from being misled by false ideas and conceptions. Sixthly, both Fascism and Communism are agreed in using the whole machinery of the state, government, and society, for carrying out their objects.

If the similarities are marked, so too are the differences. Communism is thought as well as emotion. The two must go together. One has to feel and also to think; one has to understand the theory, but having understood it, one has also to practise it. Fascism, on the other hand, can really only be felt. It is essentially feeling, or emotion. Thus one can understand communism, and though one is not a member of the proletariat one can still become a Communist. In the case of Fascism on the other hand, unless one is born a Fascist, one cannot become a member of that particular Fascist group, since it is impossible for one ever to feel in the same way as a born Fascist. One cannot step outside the boundaries of race and blood. “No thinking and feeling can, if it is profound, overstep its racial boundaries” (Rosenberg). Fascism, therefore, for those born outside the racial limits, is rather reminiscent of Calvinism and the idea of pre-destination for those unfortunates who are not among the

outward forms and means will come to be more highly regarded than the end. A movement which is turned in on itself will die, as certainly as a snake which begins eating its own tail.

To conclude then, man is a social animal with various needs which are expressed through one or other of the social sciences. These sciences though distinct in themselves, are all part of a single whole, and are inter-connected. Any correct political theory must therefore be one which recognises the many-sided nature of man, and the interconnection of different problems. Rousseau's emphasis on Equality gave rise to a school of thought which forgot the many-sided needs of man. Politically the movement was expressed in the form of parliamentary democracy. During the nineteenth century there was a steady rise in industrial production, and a general widening of knowledge, and consequent scientific progress, and increased production. The ideal of nationalism came with the ideas of political equality, and the industrial development, so that Nationalism became the sacred slogan of the European countries. Nationalism and industry, however, when it came to expressing themselves outside Europe developed into Imperialism. As the years passed, the failure of Nationalism, Imperialism, and Democracy to satisfy man, to answer his perpetual questionings about the past, the present, and the future, became more and more evident. As a result of this discontent, this revolt against hopelessness, dullness, drab uniformity and individual selfishness, Fascism and Communism gradually developed. The war of 1914 showed the failure of Democracy, a failure that the years following serve only to emphasise. At present, Fascism is making a bid for world control. Whether the bid will be successful only time will declare. But even if Fascism is successful in the present war, its very success would mark the beginning of its decline, since its narrow racial exclusiveness would become so excessive that it could no longer advance, and any movement which ceases to develop and advance is bound to decay. So too with Communism; whilst its essential weakness is not that of Fascism, and whilst it has the merit of being universal, and of recognising both the group and the individual, because the inspiration, the ideal is from within, it cannot develop beyond a certain point, and when that is reached, it too is bound to decay. Political study is therefore urgent to see if some way can be found by which it may be possible to work out a fresh conception which will embody the virtues of Communism and Fascism without their defects.

POLITICS AND PSYCHOSIS

BY

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For anyone who, as the writer, grew up in the “optimistic twenties” the events of the last few years come necessarily as a severe shock. Some of us are beginning to wonder whether there might not be something wrong with our basic beliefs. Even those who called themselves Christian had allowed their theology to be profoundly effected by the prevalent philosophy and consequently failed in their prognosis also. An interesting example of this may be found in an American book ‘on the teaching of Jesus published in 1930.¹ After suggesting that the “Kingdom of God” should be renamed “republic of God” or “democracy of God,” for God is not king in the “old oriental sense” though, he adds, some of our church catechisms teach that the ‘chief end of man is to glorify God,’ yet on the other hand Jesus taught that the Sabbath was made for man and not man for the sabbath. (Presumably he means that God exists to satisfy the needs of man and not to be the object of man’s worship and the source of his being.) He continues, “In the republic of God of the future, God will be representative of his people. The spirit of brotherhood in the hearts of his countless family is his spirit, an indwelling power which all who seek may find. This power, Christians believe, is eternal, absolute omnipotent in the sense that God has been at work through all the ages of evolution and will finally prevail over every obstacle and become supreme through all the world.” After referring to the “internationalism” of Jesus he goes on, “In the 20th century as never before in history, internationalism is superseding nationalism. War has been outlawed and will become obsolete as a means for settling international disputes. There will be a parliament of nations, a league of the peoples, a fraternity of races, a spirit of service expressed by one country towards another America would seem to be the nation chosen by God to lead in the realisation of a new era of brotherhood. Battle-ships and economic prosperity cannot do it.

¹ *The Sayings of Jesus*—by B. W. Robinson. University of Chicago.

Only the spirit of service as exemplified in the personal religion of Jesus can attain the great goal the high ideals of brotherhood which the future holds No historian can be a pessimist. When he considers what the human race was 50,000 years ago in its savagery and destitution, he is vividly impressed by the advance which has been gained idealism and courage and purity of purpose were never so much needed nor so much appreciated. American youth is seeing the vision which Jesus saw in Galilee the spiritual brotherhood proclaimed by Jesus is not far distant."

Now, this passage was written only 10 years ago when America had just entered into the great economic depression which was to effect the whole world and lead the way to Nazism in Germany. We know how terribly disillusioning the next decade was to be and how it prepared the way for the present tragic conflict. There must be something wrong with a philosophy which so signally fails in its prognostications.

The failure is largely due to certain basic doctrines of liberalism, more especially the identification of the Absolute with the goal of human history—the belief in unbroken progress—and the infinite perfectibility of man.

This romantic conception of man goes back to Rousseau. It is a philosophy of "if only." Man is free but everywhere he is in chains. Release him from restraints, educate him, give him a vote, and all will be well.

"Two kinds of freedom may be asserted and sought after: freedom for the attainment of certain ends, and freedom *from* certain restraints. The latter kind of freedom has no final justification unless it depends on the former. It is only when we have a definite belief as to what human existence is for that we can judge whether such and such restraints will or will not secure to man freedom to attain the ends of his existence. The liberal movement started from an attempt to secure for man a larger freedom to attain the ends posited by the Christian faith. But as the movement developed these ends were at first insensibly and then sensibly lost sight of, so that liberalism became a movement towards a man-centred utopia instead of a means of freeing a Christian intelligence and Christian institutions from oppressive conditions which prevented or retarded their healthy growth . . . liberalism may be summarized as a series of emancipations, each of which became the extravagant perversion of a legitimate need . . . the cumulative effect of liberalism has been to break up the common European culture and to replace it by a facile individualistic utopianism which was based on the retention of some of the

Christian values detached from their roots in Christian dogma."²

But can we say that man is progressing inevitably to utopia or that the ills of contemporary society are merely temporary setbacks and that eventually by means of education and political reform an ideal society will evolve which will be the goal of history. This is an easy, sensible creed which promises a mild future for history. It has no inkling of the tragic dimensions of mortal existence, which, however, were bound to reassert themselves and to leave aghast a generation taught to ignore them. .

Yet the man-centred utopianism of the 19th century which ignored the true nature of man actually had the effect of dehumanising man and much of his environment and producing a crop of neuroses. "The history of the last two centuries has presented us not with a pageant of free and kingly lords of creation, but a succession of demons, the economic man, the rational being, the self-expressive artist, a brick in the social edifice, the crown of biological life, the chosen race-bearer-bits of humanity in which are sought the meaning of human life, which is found only in the relation of the human whole to God. Each one of these layers of man's existence which gets out of place calls down upon it the revenge of another which then dominates the human being until it is displaced . . . existence swings relentlessly from one form of maimed humanity to another." Man must learn to see "his true being opposed by the sinfulness which seeks ultimate meaning for himself in something less than life in God."³

Much vigorous contemporary thought is grappling with this problem of "sinfulness." It is important to consider it. We are told that we must practise non-violence or that if we love absolutely and display absolute selflessness all will be well. Or we are told to create a world-state (Mr. Wells). Why do these religious or political ideals fail to work, while the brutal dictatorships go from strength to strength? Actually the "law of love" is a contradiction in terms, for a love which is enforced externally is less than love. Yet laws are necessary for protecting men from criminality and making any kind of co-operative life possible. But love is necessarily an expression of freedom. Here we come to a basic tension in human experience. Man is created to live in co-operation with his fellows, a relationship of love; yet he needs laws to preserve any kind of mutuality. If the weaker are to be

² Alec Vidler. *God's Judgment on Europe*, pp. 15-16.

³ V. A. Demant. *The Religious Prospect*.

preserved from exploitation laws are necessary to enforce justice but this is a limitation of love and an inevitable cause of friction, for the right to enforce laws involves the possession of the power to do so and such social authority and consequent coercion—whether it is exercised by the father of a family, a government within a nation or a religious hierarchy (*i.e.*, as in any Church with priests, a Brahmin caste, etc.)—is always to a greater or less degree corrupted by self-interest. He who uses power is never without certain motives of self-interest and it follows that revolt against authority is by no means always an expression of selfish impatience with social restraints: there is always an element of justified opposition to injustice in it. Gandhiji is right when he insists that non-violence is the law of life, for every form of social coercion has within it the seeds of anarchy and death. The command to love (the equivalent of non-violence) is indeed the law of life and not merely a counsel of perfection. Yet every effort to enforce non-violence, love, by an external compulsion negates it and involves a dualism between the coerced will and the source of authority which real love would overcome. Love presupposes a personality free from such conflict, *i.e.*, sinless, but as sin is part of all existence and thus love is defined in terms of obligation. Humanity is not totally corrupt and can recognise the good as a possibility but sin limits it within human existence. Even Gandhiji cannot fully live by the law of love.

The laws of justice, which take self-interest for granted, try to establish a fair balance between the interests of self and those of the other. Such justice has to be judged against the standard of love. This does not mean that we should abandon the attempt to realise relative justice because it falls short of absolute love. But we have to experience the tension. Without tension of this kind any social ethic becomes either romantic, failing to count the obstacles to the good life within the heart of man, or self-righteous. Similarly, to put all the emphasis on the absolute ideal without reference to the relative necessities leads to more not less injustice.

We are all embedded in nature. We may talk of absolute love or brotherhood but in fact the love of neighbour in the widest sense is thin compared to love of kith and kin; family affection is natural to man. So also are the wider bonds of race, class and nation. We experience community in one or other of these "natural" forms of society: We shall see later how man tries through them to transcend his own ego and the reasons why such natural groups develop an ego of their own and a kind of collective selfishness. The conflict of nation and nation, class and class

or community and community is a fruitful source of human misery. I may feel a sense of obligation to my children or my fellow-countrymen or my fellow Muslims, Hindus, etc. Reason demands that I extend this good will to other people's children, to foreigners, observers of another creed, etc. Yet we tend to prefer our own interests or those of our natural group, not merely through selfishness, but also through a certain limitation of imagination.

Modern inventions and scientific technique have in various ways made a wider community, a world community possible or even essential for human welfare, but man has not equally extended his capacity for such wide community—the mechanism is there but the spirit is lacking. That the world has contracted into a neighbourhood is still only true in a geographical sense and the result is only to extend the area and immensity of bitter conflict. "We have left undone the things which we ought to have done." But sin is much more than mere ignorance or lack of imagination. It has a positive aspect as well. We are not only limited in understanding of our obligations to others. We actually manage very skilfully to serve our own interests while seeming to serve others. We may ask ourselves whether our judgments of others are from the standpoint of any absolute or merely in terms of their having failed in their relation to us.

What is wrong with the world as we shall see is not an excess of materialism but too much idealism—false idealism, for sin is a disease of the spirit, a corruption of the mind which results from man refusing to accept his own limitations but desiring to occupy the throne of the universe.

The social aspect of sin is most clearly revealed in imperialism and injustice, the moral or religious aspect in spiritual pride, e.g., in the pretensions of a privileged caste or order. Actually the two go together, for spiritual pride leads to oppression or injustice because it tries to destroy or dominate everything which does not fit in its narrow scheme of things. It tries to organise the world in terms of its own life or that of a group of nations. It often worships God as the Creator of and Judge of human life but contrives also to suggest that the particular symbols used for the Divine establish a relationship of privilege between God and the inventors of these symbols. So it is that the sacred things can become instruments of human pride and weapons of imperialism.

Religion itself becomes a sin when it endeavours to establish an exclusive claim upon God. For instance, Luther was more conscious of the need for humility than most theologians but few

have spoken more contemptuously of those who did not accept his theology. Thus even the preachers of humility can be vessels of pride. Or again, we may refer to the connection of Christian missionaries with imperialist pride in India or the attitude of *the sanatanists to the Harijan*. If religion itself can be so tainted by pride, we can see how easily all cultural aspirations can be corrupted. This is perhaps the truth behind the Christian "myth" of the Fall of Man, which is occasioned by the eating of the tree of knowledge, *i.e.*, sin is the accompaniment of the development of civilisation. There is nothing sinful about animals who have not man's self-consciousness. The more we advance the more we have capacity for wrong-doing as well as doing that which is good. Every modern nation which believes in peace believes that it is going to organise it, *e.g.*, Japan's "new order" in Eastern Asia to come through the rape of China. The Hebrew prophets had a magnificent vision of the Kingdom of God, but this vision does not escape an element of racial and national pride; for the Kingdom was to be governed from Jerusalem. We note that in the quotation with which we began this essay the vision of brotherhood is seen by the American writer to be ushered in by God's chosen people, the Americans.

This conception of the universality of sin can lead to a false defeatism. The world is sinful, let us withdraw from it—the result is merely more pride, and a failure of duty to the world of which we are part and which we cannot escape.

At this point let us abandon this "religious" approach to our subject and the rather controversial use of the word "sin" and turn for light to the psychologists.

2

We have hinted that the "liberal" approach to man and his history breaks down at the point where we are forced to postulate an irrational element in man. It is this area of human studies which has been flooded with light by the students of psychology. We will limit ourselves to some investigation of the aggressive tendencies of human groups and the problem of collective egoism. Looking first of all at Individual psychology we find that it has derived certain conclusions from a careful study of the behaviour of monkeys and children. Both seem to be aggressive, and three obvious causes for this seem to be general. First of all, *possessiveness*. The challenge to ownership of any object—food, clothing, toys (in the case of monkeys), females, and the affection of others—led to an appeal to force.

In these fights for possession it is worth noting that they often ended in the complete destruction of the coveted object by the rival groups or individuals—toys torn to pieces, females torn limb from limb, etc.

Secondly, in the case of children at least an object may be desired and fought for merely because it is desired by someone else. The most common form of possessiveness seemed to be aroused through a desire for the notice or affection of some other member of the group; this takes the form of "rivalry" or "jealousy." The only difference from other forms of possessiveness is that the object desired for exclusive enjoyment is a person not a thing.

But very often the person so desired is also the source of satisfaction, who gives food or toys, etc.

The second main cause of aggressiveness is *resentment at the entrance into the group of a stranger*. The resentment is only felt when the stranger is of the same species—another child or monkey. Monkeys do not mind the introduction of a rat and children often love the introduction of an animal. This is explained perhaps by the fact that a new member of the group of the same species is a potential rival or competitor for food or favour.

Finally, another main cause of aggressiveness is *frustration*. A child wants to ride his bicycle but is prevented by the weather or the prohibition of an adult or he may fail in skill in some activity through some weakness or deformity. He becomes "naughty." He will also tend to fight other children. What is very important for our purpose is that the child will take his revenge for his frustration on quite innocent objects unconnected with the cause of the frustration. This will warn us at the start that the cause of aggression may be due to some quite hidden cause of frustration. One last point must be noted. Amongst apes fighting is in the highest degree *infectious*. Once it starts it spreads rapidly. This excitability and attractiveness of fighting is one of the most dangerous tendencies that man has inherited from his animal ancestry and is likely to be a source of grave danger in any society. We must now turn to more complicated behaviour.

The main source of knowledge is anthropology, the study of primitive people, and psycho-analysis, the study of primal instincts. It must be admitted with distress that we cannot discover any noticeable diminution of aggressiveness when we turn to adults. Adult human beings display the most horrible savagery. One has only to look at the contemporary world.

Torture has become normal again. All the most refined instruments for inflicting physical torture as well as mental pain have become the commonplaces of political prisons from Germany to Japan. Men and women are shot without trial, burnt to death in petrol, beaten to an unrecognisable pulp, hanged by the hair till they die, starved and tortured during "reigns of terror" which have accompanied civil war in one country after another. Above all, there is war, the greatest mass cruelty of all. One may add the shocking picture of hordes of helpless wandering refugees from innumerable countries.

It is doubtful whether any animal is so cruel as adult man. There are two very vital differences between human aggression to-day or at any time during the history of "civilised" man and that of animals or primitive men.

First of all, aggression is a *group activity*. Murder and assault is the activity of a criminal minority and generally condemned. Adults kill and torture one another only when they are organised into political parties, economic classes, religious sects or nation-states. A distinction is made between the individual killing for himself and for some supposed group interest.

Secondly, the adult powers of *reason and imagination* are brought to the aid of the aggressive intention.

Apes and children simply fight but men and women construct towering edifices of theology and religion, complex theories of racial character and class structure or moralities of group life before they kill one another. Thus they fight for Islam or Protestantism, for the emancipation of the proletariat, the purification of the Nordic race, for the nation, or the Empire. Aggression is glorified and given sanction by turning it into a *Jihad* or a Crusade or a cultural or civilising mission. But yet a bomb or a machine-gun is no less murderous and degrading because it is used in the interest of the working class, the nordic race or a "Christian" civilisation. "Men will die like flies for theories and exterminate each other with every kind of instrument of destruction for abstractions."⁴ It has been observed by anthropologists that primitive man is generally an animist. That is to say, he attributes the evils that befall him to an evil intelligence in the external world. All happenings whether natural or human are attributed to the will of some being human or divine. A thunder storm or a hurricane are attributed to the malignity of a demon or to the magic of a hostile neighbouring tribe.

⁴ E. F. M. Durbin. *The Politics of Democratic Socialism* to which I owe much in this section.

If evil is attributed to some neighbouring group it is obvious that efforts will be made to destroy it. If the enemy is regarded as supernatural or spiritual it will be placated by ceremonies or sacrifices. But if the evil is regarded as the work of a neighbouring tribe or a dissident minority within the tribe, then their destruction is thought necessary. Enemies without and traitors within must be exterminated.

We find this "animist" tendency still present.

Political parties will load on the backs of their opponents all the evils which they experience. Socialists attribute all evils to the capitalist class or the "system"; Conservatives find the cause of present discontents in socialist mismanagement or "those damned agitators." Others find different scapegoats—the Jews, the Bankers or the Russians. In all cases vast malignity and power are attributed to the suspect group; often this malignancy is totally illusory or at least greatly exaggerated.

An unfortunate minority will be made the scapegoat and the source of all evil. For instance, the Jews in Germany, the Kulaks or the Trotskyists in Russia. Or the "enemy" may be another nation. Let us now go a little deeper into the impulses of the civilised adult as revealed to us by psychology.

There is a great deal of difference between various schools of psychology; notably that of Freud which finds the source of all energy in the sex instinct and that of Adler which sees it in the desire for power. Actually both may be true. If we return to children we find that the basic desires for satisfaction—food, security, affection—are frustrated often by *authority*. The child is denied the bottle, or his toys or the presence of a loved adult at a time when it desires them. Such a frustration leads to wild temper, fear or hatred. The normal treatment for this reaction is punishment. The child is slapped or scolded and told that its behaviour is wrong or wicked. The child is faced at once with a conflict; either he must control his expression of aggression or lose the love of his parent or teacher and suffer punishment. This conflict has a profound effect on the adult, for nothing is more true in psychology than that "the child is father of the man." The parent (*i.e.*, all who have authority both father, mother, teacher or guardian) is both the source of satisfaction and the origin of frustration or punishment.

One result of the child's attempt to resolve the conflict is called *Repression*. Much has been written about repression; what has to be repressed is not only the desire for aggression but many other instincts, particularly the sexual.

Much psycho-analytical theory is based on the belief in the existence of the *Sub-conscious*. We are not concerned with the details or the controversies surrounding the theory but only its positive contribution to the understanding of man.

What does seem certain is that an instinct which is repressed is not destroyed—it is only hidden and may reappear years later in another form. Energy cannot be destroyed; it can only be redirected in other channels.

We may give a simple example of the transference of Aggressive Impulses as the result of repression. A boy is punished by his father—he hates his father but this hate cannot be expressed, so he bullies a smaller boy whom he does not fear. He becomes a bully. In the adult, this hate of the father may be converted into a revolutionary hatred of established government as the symbol of authority; the nationalist hatred of the foreigner or the hatred of Jews or any other minority which is weak.

This is what may be called *transformed aggression*.

We have seen that the child suffers from ambivalence, *i.e.*, an emotional dualism that puts a great strain upon it. For the parent has become both the object of hate and love.

There also develops the conscience or what the Freudians call the Super-Ego. Man develops a sense of “duty.” This is partly the result of objective moral judgments and partly the product of education and environment and experience in childhood. The moral sense is neither wholly rational and objective nor wholly irrational and subjective; it is partly one and partly the other. But whatever its source it is the cause of an immense burden of guilt and shame both in the child and the adult. There is a good deal of evidence in psychological study for the theological picture of “man divided against himself.” We both love and hate people; we experience a conflict between appetitive instincts and a stern sense of duty. And much of this conflict is hardly realised consciously or remains unacknowledged. Different aspects of our being are at war with one another and we become unhappy or prey to morbid anxiety; we *can* become neurotic.

Psychological mechanisms endeavour to reduce the burden of guilt and anxiety; they are chiefly of two kinds:—

- (i) *Displacement*. We have already seen how this works. It transfers fear or hatred from the true historical object to a secondary object. We have seen how a child thwarted by his father bullies another child. A man who has been hauled over the coals by his “boss” comes home and beats his wife.

Children who both hate and love their parents may grow up both to be fanatical patriots and also 'jingoese,' *i.e.*, hating foreigners. It is almost universal for the emotions of childhood to be transferred from parents to the institutions of society and politics. The State becomes a "father surrogate", to use a technical phrase. Hence the importance of symbolic figure-heads—kings, governors and Führers. Hence also the fanaticism and violence of political life. A man is free both to love "the Party" and to hate the Capitalists or the Jews or whatever it may be.

An Indian who as a child both hated and loved his father may be free to love "Mother India" and to hate the British Raj. Division and emotional chaos are thus dealt with and some kind of unification and purposive action achieved.

When a sudden act of transference takes place one gets the phenomenon of "conversion". All the loyalty that the person can muster is given to the party or the Church, and its enemies become his enemies. Conflicts disappear and an unhappy or frustrated person becomes a radiant Christian or it may be to-day Communist or Nazi. But if the displacement is centred on an unworthy object it can break down in renewed guilt and distress. This can easily lead to final break-down or suicide. Very often the displacement is towards a safer object; the boy who would like to kick his father, kicks another boy instead. But in adult life the displacement may have its own dangers. While it is safer to hate the Capitalists than to hate one's wife, yet membership of a revolutionary party may mean imprisonment. It is better to be patriotic than to divorce one's wife; but it may also lead to death on the battlefield.

The mechanism of displacement can canalize torrents of hatred and attract absolute loyalty to one or another social group. The explosive violence in the human atom is released in organized social groups, where the displaced passions of men find free expression.

(ii) Another group of mechanisms of vital importance are those of *projection*.

This is the capacity of projecting on to others the passions which we dislike in ourselves. Or we may project our own conscience.

A miser may regard every man as being ready to rob or swindle him. A paranoiac will believe that every man is about to hurt him. Projection may be the cause (as well as animism) of political persecution. Objective reasons, if any, for persecution may be forgotten but the persecution continues and the persecuted

minorities are made to bear the guilt of the dominant masses; it is projected on them and they have to suffer for the disruptive tendencies of the majority projected upon them. They become the symbol of internal wickedness.

It is obviously easier to hate others for meanness than to analyse one's own miserliness; to judge the wickedness of others is less distressing than to be conscious of evil within, to be divided against oneself.

It is clear that projection will give intense passion to civil war or other forms of group conflict. For the other man or the other group is always the aggressor. Hatred can appear as a passion for righteousness and every war can figure as a crusade for truth and virtue.

The projection of conscience leads to the identification of one's opponent with the strictures of one's own conscience. In attacking one's opponent one is really attacking that which one hates in oneself or the conscience that tells one what is wrong. The projection of internal moral censorship may explain in part much of the cruelty of revolutionary "terror".

We may sum up by remarking that the causes of simple aggression are the same in adults as in children or monkeys—possessiveness, strangeness, frustration—but repression drives these tendencies underground and they reappear in disguised forms. This is achieved largely through the mechanisms of displacement and projection, and the purpose is to reduce anxiety and the sense of guilt or shame. One result at least is the emergence of typical group aggressiveness, which gives sanction to instincts otherwise repressed.

The impulses are *rationalized*—great structures of political or social or religious theory are built up to justify them.

What conclusions may we draw from the foregoing? I suggest:—

- (1) The correctness of earlier political theorists and the theologians that *government* is necessary to preserve peace and to secure justice. The study of anarchical groups, of men and animals, bears this out and so do the results of psychological research. It is not true that man, if freed from restraints, will achieve an ideal harmony of interests. The experiment which gave free expression to economic acquisitiveness, political self-assertiveness (in national sovereignty) and philosophic idealism has failed dismally.

“ The absence of government means the absence of order. The alternative to efficient government is a brutal chaos of arbitrary power and gross injustice. In the hackneyed words of Hobbes “the life of man would be solitary, poor, nasty, brutish and short.”⁵ While it is true that one of the functions of the State is to secure the maximum of peaceful co-operation and the organization of peaceful activities without force within a framework of an accepted system of law, a still more important task is to secure by the apparatus of force which the state controls—whether it be democratic, fascist or communist—the maintenance of a social equilibrium that shall not break down into civil war or chaos. The power of the state is built up to control aggressive minorities which would resort to force in denial of the law. The whole technique of the state depends upon the efficient mobilisation when necessary of coercive machinery. A criminal minority will be faced with the police or if necessary with the soldiery. It is true that the state maintains itself in general by the spontaneous acceptance of law by the majority but it always has potential coercion in the background. And in fact, there are always disruptive forces within any state, largely the result of psychological factors.

The application of the above to the international sphere is obvious. The League of Nations collapsed largely because it had not the backing of effective force to make Article XVI a reality. Until international law has the force behind it to prevent the breaking of the law it will be ineffective. Law is not justice but then neither is war. It is true that the achievement of justice will greatly increase the possibility of peace, yet the handing over of the world to aggressive nations or of the state to an aggressive minority will make peace totally impossible and with it justice. But it must be added that force in itself cannot cure the impulse of aggression. A policeman will not cure a murderer of the desire to kill nor would an inter-

⁵ Durbin. *Op. cit.* P. 63.

We shall find behind the façade of our dignified institutions the throbbing of primitive jungle drums and childhood's fears. We cannot take men and institutions at their face value for "they know not what they do." Christian Churches founded on love and pity have tortured heretics. Communists with the high words of brotherhood and equality on their lips have shot and tortured and starved. Democracies with solemn phrases of self-determination and justice have divided the world as they chose and when their enemy became strong, betrayed the ideal of collective security.

The horrible paradoxes of history become clear when we begin to understand man's capacity to disguise his own motives by the mechanisms of rationalisation, projection and displacement. If we are to assess the ideas and theories of the "ideologists" we must study their emotional life. "By their fruits shall ye know them."

In this section we shall consider a rather different psychological approach, that of behaviourism or the theory of conditioned reflexes. As before we shall not consider the details of the theory or its many controversial aspects but only its practical implications for the sociologists or political scientist.

The behaviourist believes that human action is the consequence of biological processes or nervous reactions within the individual. We have given some thought to Individual Psychology; we must now consider Objective Psychology or the actual dynamism of vital phenomena closely connected with Physiology. How do living creatures react to stimuli within their environment? Research in this respect is greatly, perhaps chiefly, enriched by the life-work of the Russian school of Pavlov. Pavlov especially studied the phenomena of nutrition and more especially the reflex action of salivation. (What we mean when we speak colloquially of "our mouths watering.")

Saliva enters the mouth at the simple sight of food; this is a reflex, an adaptation of the organism to a given situation in which the nervous system plays a decisive part.

But Pavlov found that he could produce a "psychical" salivation, a *conditioned not an automatic reflex*. Very briefly we may give the basis of Pavlov's experiments. Give food to a dog and it automatically salivates. If we ring a bell it has no effect on the dog's mouth watering but if we synchronize the ringing of the bell with the production of the food, the dog's nervous system will be effected and he will actually produce saliva when the bell is sounded *without the arrival of food*. This is a "conditioned reflex." If a cat is introduced when the sound is made,

there will be no salivation; the cat is a new excitant and this has the effect of *inhibition*.

Experiments with conditioned reflexes show that they can be inhibited and disinhibited at will. The fact of inhibition is enormously important for the study of living beings. It was also discovered that a state of hypnosis could be induced by violent excitation—a defensive reflex. Immobility under the influence of great fear is an example of this.

Pavlov also found that there were certain innate reflexes; particularly the “reflex” of liberty. One dog refused all efforts to form a conditioned reflex in him. It took months and the dog could not bear to have his movements restricted. The converse might also be true—an innate servility reflex. Pavlov discovered that speech is an important excitant and gives birth to conditioned reflexes of a complex character.

Suggestion by the spoken word is very potent and it is possible to weaken the faculty of resistance (*i.e.* the higher nervous mechanisms). A generalized internal inhibition akin to sleep or extreme fatigue will have this effect. Under such conditions a command given will become irresistible.

These facts are important for us because they are highly relevant to the behaviour of masses under the influence of propaganda. If an order is given to a subject in a weakened state the suggestion outlasts that state. Resistance to suggestion grows with culture which is the endowment of a series of grafted reflexes which make up the psychical mechanism of the persons concerned. Ignorance is the best medium for the formation of suggestible masses. (This may explain Hitler’s belief that the masses should not be educated but be left with the “blessings of illiteracy.” (*cf.* Rauschning’s *Hitler Speaks*).

Experiments have been performed on organisms of a very simple type with interesting results. It has been shown that reactions concerned with the taking of food form much more slowly than those concerned with flight from danger.

This is of course an absurdly inadequate summary of Pavlov’s findings but this does not pretend to be a scientific treatise. It is sufficient for us to know that the art of influencing men is well on the way to becoming a science.

At the basis of every construction of applied psychology lies the group of instincts or innate reactions. Take for example the *instinct of struggle*. Closely related to it are the states of aggressiveness, courage, enthusiasm; in the political sphere everything that has to do with struggle or the seizure of power or the desire to dominate. Here, stimulation comes especially in forms of

encouragement and exaltation. A second system of instinct is related to *nutrition*. Everything is relevant that is concerned with economic advantages and material satisfactions. Influences are promises on the one side of prosperity, and destitution or privation on the other. The third system is that of sexuality. Here we may distinguish primitive and sublimated elements; the former include all that directly cause erotic excitation. Civilisation does not now employ these elements though it did so formerly as is witnessed by phallic cults or Dionysian rites and there is evidence that they were common in India. The sublimated sexual instinct may be seen in popular songs, dancing and in the loftier expressions of art.

The fourth instinct is that of maternity and is at the base of all manifestations of pity or care for others, friendship, anger at others' ill-treatment, etc.

These various elements form a kind of "spectrum of the spirit,"⁹ any part of which can produce a vibration. For those who desire to influence their fellow-men it is essential to play on all the strings of man's being and to appeal to his deep instinctive self. The facility of producing reflexes and controlled nervous reactions can be seen in schools of animal training, such as a circus. Animals are trained by a combination of appeal to the instinct of nutrition (by offering a bait) and to the instinct of struggle (the fear or menace of suffering). Imitation plays a part in training as does well defined forms of excitation and the accompaniment of rhythmical sounds. Schools are but centres of training of children and research has been made in the formation of conditioned reflexes amongst young children. Pavlov in his later life studied abnormal psychology and concluded that a person who might be under the influence of an intense process of excitation when the exigencies of life forced him to inhibit the process would suffer from a disturbance of the nervous system.

As we shall see this theory of conditioned reflexes explains much in our contemporary life. Business men and advertisement agents understand the best ways to make publicity effective. For instance if you want to persuade a man to buy a lottery ticket you may influence him by repetition—a series of illustrated posters which appeal to the instincts, particularly the nutritional (promise of prosperity). All the instincts may be *appealed* to by the advertiser. Publicity has reached its pinnacle in America and it is significant that Goebbels, Hitler's propaganda manager,

⁹ Chakotin. *Rape of the Muggers*, to whom I owe much of this section.

said in 1932 that his propaganda for Hitler's election campaign would employ "American methods on an American scale."

Publicity has even exploited the physiological basis as in the case when a New York butcher put in his shop a loud-speaker which reproduced the sound of the pigs being slaughtered. He never had any lack of customers, while a café proprietor led his ovenflue into the street and customers flocked in, tempted by the savoury smells. Again, there is the importance of repetition. Perhaps that is why Hitler displayed his "trade mark" the swastika on every wall and even on public buildings.

We must realise that political propaganda is borrowing increasingly from the methods of commercial publicity which are themselves based on a scientific study of reactions and the laws of conditioned reflexes. Baudouin has used the phrase "psychagogy" for the practical science of directing the activities of the people through the action of influences designed with reference to their "psychical" mechanisms. Such psychagogy can be used either to lead man blindly to destruction at the will of one man or a group or it may be used to help man to a better life. Improperly used it can only lead to the *psychical* "rape" of the masses. This is exactly what Fascism sets out to do.

Politics depends upon the manipulation of human multitudes so that they are ready to act in a certain way or to allow others to do so. The crowd is a multitude in assembly, the masses are a multitude in dispersed form. Gustave LeBon has made a careful study of crowds.¹⁰ He makes a distinction between "the people," i.e. an aggregate of individuals who have in common an environment and a heredity which has imposed on them certain common characteristics, and the "crowd" which may be the same aggregate of individuals or a part of it. But collected into crowds their conscious activity seems to give way to a powerful and elementary unconscious action. LeBon thought that all nations displayed a growing power of the crowd and he thought that it might lead to a return to anarchy which heralds the emergence of a new society. Actually we are seeing a diminution of the real influence of the collectivity in public life; they are growing more and more docile instruments in the hands of dictators who use a rough knowledge of psychological laws and the great equipment of the modern state to manipulate the individuals who make up the crowd by the process of "psychical rape." To exploit the forces inherent in the crowd they have recourse, from time to time, to noisy demonstrations; striking military parades or spec-

¹⁰ In *The Crowd; A study of the Popular Mind*. London. 1900.

tacular shows like Hitler's congresses at Nuremberg or Mussolini's exhortations from his balcony. The reason for this is that when psychical violence has been used as a method of government, the effectiveness of the symbolism which acts on a large percentage of the masses gradually decreases unless the strings which are made to vibrate in the masses by fear or enthusiasm are periodically plucked. Thus, there are two modes of action for the art of dictatorial rule:

- (1) The gathering of the masses into crowds where they can be lashed as it were by a whip by means of violent harangues, associated with certain symbols exhibited in order to awaken their faith once more in these symbols; and
- (2) The dispersal of the crowd into masses once more, left for a time to act under the revitalised influence of the symbols which surround them on all sides.

LeBon's conception of the "crowd" is really a criticism of democracy with its often noisy and chaotic "meetings" which do admittedly sometimes act under the influence of excitement and make difficult political situations worse. But the revolt of the masses can be a healthy reaction against tyranny or a psychical oppression which has become intolerable. The dispersed "masses," passive and docile becomes a "crowd" which can act; passions are stirred up and expressed freely, unless they are held in check and canalized by some "tribune of the people" who is in sympathy himself with the aspirations of the crowd and able to exploit the force it exerts and direct it to a wholesome end. In times of ferment and revolt this is the task of the true leaders of mankind. Such men can liberate humanity from many a curse, if they understand the forces which they have to control.

A crowd can be stirred to fury or violence or mad enthusiasm; it is capable of heroism or cowardice. But it acts only under leadership; without this, it is amorphous, incapable of action. In the case of lynching, let one man make so much as a gesture and the rest may follow; the contagion spreads and the crowd no longer hesitant will be capable of any atrocity.

Chakotin gives the example of Petrograd in 1917: The streets were full of crowds, wandering aimlessly through them; there had been a feeling of revolt for some days. Now, planlessly, without leaders, the people had come out on the streets. The city and the political parties were taken by surprise; the police fled and the people, anxious, sombre, just wandered helplessly.

In the afternoon a group decided to take initiative. Two poison-gas instructional institutions for which this committee was responsible marched through the centre of the city in military formation. An hour later, the company, a hundred strong marched through the crowd with a band playing with standard-bearers marching in front with red flags. The order was given to put on the gasmasks. The little company marched on, the masks giving it a sinister threatening aspect. In a few minutes, the crowd was electrified, polarized in a single direction; all hesitations and fears were dissipated; disinhibition took place. The news spread; the revolutionary troops have come, they are making a gas attack on the central barracks. Of course, this was untrue; they did not have so much as a drum of gas. It was pure bluff but a successful psychological manœuvre. Soldiers, then, began to leave the barracks, fraternise with the crowd and in this part of what was to become Leningrad the revolution triumphed without bloodshed by a simple psychological stroke.

Similarly, Chakotin describes how later after the Bolsheviks had come into power a group of intellectuals in sympathy with them tried to prevent excited crowds attacking people in the street. Some were actually lynched. To deal with this danger a method of psychological action was devised. A direct appeal to the crowd was dangerous and useless. Special experts would be rushed to the place, they would push their way into the crowd and take part in the shouting, each independently and trying to attract interest to himself; they then drew gradually away, trying to gain a crowd of listeners, thus breaking up the crowd into small groups, all of which forgot the man they had wanted to lynch.

In crowds, the emotional always preponderates over the intellectual. An interesting example is given by Chakotin from Denmark. Here the political leaders maintained that they had control of the masses and that they would listen to sound logic and not be led astray. A simple experiment did not convince them of their mistake unfortunately. 10,000 persons were present at a big demonstration in Copenhagen. The crowd was listening to a popular young speaker; their brains were engaged, they were carefully following his logical argument and agreed with it. But at the back of the crowd experimenters released into the air fifty little red balloons with flags attached to them. 90% of the attentive crowd turned to look at the balloons, cheered them, forgetting all about the unfortunate speaker who vainly tried to capture their attention till he linked his speech to the balloons and only then did the crowd start once more to listen to him.

Crowds are not only subject to impulses of panic; they can be impelled also to order and discipline.

At the basis of behaviour are the four instincts; each man's adaptation to life corresponds to infinitely varied action of outward circumstance upon these instincts through the senses. To the conditioned reflexes formed in a man other reflexes may be grafted; all these systems form the man's personality. An important factor in the formation of reflexes is the spoken word.

Chakotin gives a Table to illustrate the systems based on the Instincts. It is possible to conceive of evolution upward or downward degradation of an instinct or its sublimation.

Degeneracies.	Anarchy.	Pseudo-Mysticism.	Surrealism	Mechanicalism.
Cultural Ac-	Socialism...	Philosophy	... Art	... Science.
quisitions.				
Feelings	... National	... Religious	... Amorous...	Amicable.
Instincts	... Struggle	... Nutrition	.. [Sexuality...	Maternity.
Vices	... Despotism	Cupidity	... Libertinism	Misanthropy.

Instincts may develop complexes of behaviour which we call vices or virtues. The vices are the excessive development of one or more instincts towards an anti-social aim. The instinct to struggle (or pugnacity) produces despotism when it is degraded into the lust of domination. When tyranny is sadistic it represents a union of the degraded instincts of struggle and sex; for the desire to inflict pain is also a manifestation of a distorted sexuality as well as a lust for power.

Non-social development of the Nutritional instinct leads to greed, avarice and gluttony—the employment of life to secure for one-self the maximum material satisfaction. The debasement of the sex instinct needs no elaboration; the psychologists can give us only too many examples of pathological sexuality and Freud has largely built up his system on the analysis of this instinct.

Excessive maternal or parental feeling can be distorted into a hatred of the whole race outside one's own family.

Turning to sublimations, we can see how the Instinct of struggle can by its courage and heroism form the reflexes which give rise to the clan or the tribe and ultimately the nation.

Chakotin thinks that the nutritional instinct is the root of religion. Certainly, it is true that primitive religion is generally a fertility cult, and communion-meals are a very ancient phenomenon in religion. Sublimation of sex leads to love and more remotely to creative art. But the higher sublimation of nutritional feelings lead to the highest religion and philosophy. The

desire for satisfaction in the realm of food becomes the desire for an adequate conception of life, of truth. We have put socialism as the higher sublimation of the instinct of struggle, not as a political creed but as the apotheosis of the desire for sociality.

The fourth instinct develops from a desire to care for the progeny to the conception of friendship and this broadens out into a love of humanity and its protection. Hence the conception of scientific research which desires to dominate nature on behalf of man. Actually the more abstract sciences may be more related to philosophy and proceed from the second instinct or to social feelings and be connected with the first. There is inevitably much overlapping. In Christianity or the ethics of Gandhiji the fourth instinct is dominant with its emphasis on pity, mutual love and compassion. Economic doctrines proceeding from Instinct two effect national and social complexes which have their origin in Instinct one, etc. We have mentioned that Freud builds his system on Instinct three—Sex. Adler builds his on Instinct one—the desire for power and, Marx his on Instinct two—nutrition, the economic factor. Gandhi builds his system largely on Instinct four. Actually, we must not limit man's behaviour to any one of the instincts but a combination of them all.

In any case man's tendency to egoism perverts his Natural instincts whether it is through desire for pleasure (Freud) or power (Adler) or economic security and satisfaction (Marx). Christ, Buddha and Gandhi all, in some way, think of salvation through suffering for humanity; this surely is the maternal instinct at work in a sublimated form. All these stressed the need of poverty (control of instinct two), chastity (control of instinct three) and obedience or submission in some form (control of instinct one). Europe was dominated for centuries by Christianity and Instinct four; this gave way to Capitalism and Instinct two and now in the period of the break-up of Capitalism Instinct one—struggle—comes into its own. Actually, all the systems can work together or against one another. To-day, ideologies and propaganda based on the nutritional instinct, which led to the domination of economics are giving way to a new emphasis on struggle, the domination of politics centred on the national, racial or social-communal ideal.

This new emphasis is illustrated by the triumph of the Bolsheviks over the Mensheviks in Russia, of the Nazis over the Social Democrats in Germany. The great struggle to-day is between systems which all derive their strength from an appeal to struggle or combativeness. We must now look a little more closely at this instinct of struggle. Political activities in general

seem most closely connected with this instinct. Struggle is as old as man or as life itself. It denotes a reaction against all that menaces existence—the forces of nature, sickness etc., or a reaction against the menace of other living beings. Biologically speaking we can observe both a defensive and an offensive reaction. In one case, the individual tries to destroy or dominate another; in the other to escape from violence. The prototype of all violence is physical violence, the infliction or the fear of pain. The place of actual pain can be taken by Menace, which is able to set in motion the mechanisms of flight, or paralysis through stupor. Menace becomes effective when the aggressor assumes the same gesture or takes up the same attitude as in actual attack. Then, it brings into operation the same reactions as an actual attack. This is the simplest form of psychical as opposed to physical violence. But any excitant or symbol may act as a conditional factor and bring the desired reaction into operation—a phrase, a symbol like the swastika, a movement like the Fascist salute and so on. Menace by symbols is the basis of all Nazi propaganda.

It is worth noting that mimicry and fascination are employed as a means of menace in certain animals. The creature thus menaced loses ability to run away through fright and is thus easily seized. Similarly there is also a defensive mimicry by which the victim is able to assume an appearance of a creature thought dangerous by the aggressor; this is mimicry for terrorization. A cat raises its back and “bristles” before a dog; because when it is alarmed it becomes alarming. Fear is an important factor in the study of human collectivities, especially in the study of politics.

Fear may be active, leading to flight or passive, leading to immobility. In both cases there seems to be a period of physiological change, a state of obtuseness and loss of sensibility.

The effects of fear are greater if a man be hungry, thirsty, ill or already depressed. This explains the greater effect of propaganda on men whose economic situation is precarious or who are overworked. To combat fear it is necessary to inhibit it either by some new excitation or by a conditioned internal inhibition, an effort of will. Military instruction endeavours to counteract fear by an habitual series of actions that lead to automatism. Gunners generally continue to tend their guns under fire because the muscular energy involved in this action keeps their attention absorbed and thus prevents fear. Causes of fear are very violent excitations and unusual phenomena, especially violent sounds; also surprise, darkness, isolation, etc. But it

is a state of tension which especially induces fear—the expectation of an extraordinary emotion or of a physical, moral or nervous shock. An example of this is the “stage-fright” which seizes a speaker or actor before he gets on to the platform but generally ends when action begins. After danger is over a person may be subject to intense fear or trembling—a case of disinhibition. A collective study of inhibition and disinhibition may be seen in the events of September, 1938. When partial mobilisation was ordered in France everyone was commendably calm; this marked the inhibition of fear. After the announcement of the Munich conference a wave of collective emotion swept the country and only during this stage of disinhibition were true fear reactions observable. In a multitude, fear can easily become panic, leading to mad flight. Such panic is seen in cases of natural disaster or war.

Primitive warriors endeavour to strike fear into their adversaries by a dress which gives a menacing aspect and he in turn replies by attempting to increase his size by camouflage or battle-masks. Uniforms for soldiers are only comparatively modern (17th century). They give an air of uniformity and help to maintain discipline. The sight of disciplined hordes marching and forming in order can induce something almost like hypnosis, and then blind obedience. The Germans have especially perfected this technique, *e.g.*, the famous “goose-step” and so forth. Discipline is essential in a soldier as it is in a citizen of a totalitarian state (*e.g.*, the Fascist slogan, “Mussolini is always right”). Without discipline there is no morale. But blind discipline is not enough; in warfare the ardent desire for victory, the application of all energies and the employment of intelligence are also necessary. The employment of punishment is less to enforce discipline by expiation than a warning. Discipline through fear is generally imperfect.

In military formation music and rhythm have a part; the repetition of rhythmic sounds is one of the ways of inducing a hypnotic state. Hence, also, the use in former times of drums and battle-cries. Hitler's speeches are heralded by strange throbbing drums and menacing sounds, deliberately done to produce emotions of fear blended with fascination. Those who listened on September 15, 1938, could not but have gained a vivid impression of the war machine in motion, trampling on everything, destroying, menacing. To hear this uproar on the wireless together with the almost bestial cries of masses howling like beasts was to gain an impression of unchained bestiality. Over-excitation can produce a form of ecstasy. In political action enthusiasm is

akin to this more extreme ecstasy. Enthusiasm may be induced by the sight of a wavering enemy in battle or the souds of stimulating music. Allied to discipline and enthusiasm is the emotion of courage, essential in war and the chief aim of propaganda is to stimulate it.

Psychical elements are essential to warfare and even more to-day in view of the vast increase of mechanisation and the horrors of *blitzkrieg*.

In 1922, a man named K. Hesse wrote a book called *Marshal Psychologos*. This expressed the idea of a Führer, "Director" or as we should be inclined to say, violator, of souls. Even in 1922, the German soul sought a Führer to dominate, think for and lead it. Here is a quotation.^{10a} "Thus a day will come when he will announce himself, He whom we all await hopefully. Hundreds of thousands of minds are filled with his effigy, millions of voices invoke him constantly, the whole soul of Germany is seeking Him.

"Whence will he come? No one knows. Perhaps from a prince's palace, perhaps from a worker's shanty. But each one knows; it is He, the Führer; each one will acclaim Him; each one will obey Him. And why? Because an extraordinary power emanates from His person; He is the director of souls. That is why His name will be Marshal Psychologos. He will call the people to arms command "Work, Work" always, He may impose sacrifices and privations on all the best quality He has is His speech (*note this*); it has a full and pure resonance like a bell, and it reaches the heart of every man Often He will play his cards like a gambler, and men will say that He is a consummate politician. But He alone will know that He is merely playing with human souls as the strings of a piano."

As we shall, now, see this amazing prophecy has come true. Hitler is a supreme psychagogue, violating the soul of the masses.

Symbolism is very ancient. It issued in rational groups of symbols which we call writing and made intellectual advance possible.

In our age, there is a tendency to concentrate symbols as in telegraphic, stenographic and other systems of signs or the algebraic symbols of mathematics. One may also mention the tendency to use abbreviations for many institutions such as the A.I.C.C. and so forth. Badges have become very popular, both as a sign of political affiliation and as a meaningless fashion.

^{10a}; Cf. Chakotin, *op. cit.*, p. 90.

Badges go back to the time when it was necessary for a man to recognise whether a stranger was friend or foe. Political movements adopt their own form of short-hand, as it were; significant signs. One of the older symbols still alive is the Cross; the Crescent is another. Now we have the Swastika, the Hammer and Sickle, the Three Arrows (symbol of the German Socialists), the Red Flag, the Indian Tri-colour.

German Social-Democracy became "respectable," despised symbolism as childish, believed that socialism would come "inevitably" as the result of economic forces and left the effective manipulation of the masses to their Fascist opponents. However brutal or inhuman their aims, they "knew what was in man", and exploited it successfully. Hitler was able to draw on both the experience of Mussolini and of Russian Communism in his use of symbols. He was successful because his opponent had no idea of the real significance of what he was doing nor made any serious attempt to counteract it on the psychological plane.

The masses were already in a suggestible state; ruined by the War and its aftermath, half-starved and resentful. Hitler first began by attracting attention to himself and then by a series of speeches and threats which implied menace—such slogans as "heads will roll," the "night of the long knives" and so forth. Hitler's opponents helped him by giving the impression that because his propaganda was not checked the authorities were weak and helpless before him. Besides the use of noisy propaganda the use of a simple symbol easily reproduced was very helpful. The swastika appeared all over the country and helped to condition the people. The political and social aspect of Pavlov's conditioned reflexes is what the Nazis call *Gleichschaltung*, i.e., the enforcement of conformity, the bringing to heel of every element. The violent utterances of Hitler came to be associated with certain symbols to be seen everywhere and which evoked, by repetition, the same emotions as the speeches. The German government could have defeated this associative reaction by reducing its effect by counter-measures or by actual prohibition of the drumming and the shouting and the threats. Instead, nothing was done.

Chakotin mentions that actual experience in one district in Germany goes to show that there are two categories of men—those who react quickly and those who react slowly.¹¹ In a town of 60,000 only 5,000 will be considered as active persons. The 55,000 must be activated. Politics depends upon winning that 50,000. Only too often in the democracies the working-class parties have little money for propaganda; in Germany, the social

¹¹ See also the reference to the 90% which I make on p. 173.

democrats were apt to put dull theoretical tracts which few would read but the converted. But the Nazis went out to get that 50,000 and got them. Their hold over the masses is fear and their propaganda with its symbols closely related to menace. His opponents had no symbol equivalent to the swastika. In a political party the base is the theory or set of principles, its doctrine which it proclaims. Then as in a pyramid comes the programme. This in turn is crystallized in a slogan and the apex of the pyramid is then the symbol, the visible reminder of the slogan, programme and doctrine.

Symbols can be wonderfully expressive and emotional evocations; such as the Cross reminding those who see it of the sacrifice of Christ for mankind and the ideal of love, or the Hammer and Sickle symbol of Marxism, evoking the idea of labour, the source of all well-being. The Fascist symbol, the bundle, of the rods has a meaning; it goes back to ancient Rome and is an instrument of punishment, a reminder of discipline. But it is complicated, and a visual symbol must be simple and easily reproduced. Hence the swastika. It is very unlikely that Hitler knew much of its use in India. Actually, it is very ancient and very common. Hitler used it as a trade-mark so to speak. The socialist Iron Front had some success in counteracting Hitler propaganda by using similar methods. In the place of the Swastika they popularised the Three arrows but the old party leaders were not keen enough to make the propaganda a success but it succeeded in weakening Nazism in at least one election. The simplest of all symbols is the cross, then the three arrows, the swastika, the crescent of Islam, the soviet hammer and sickle and finally more elaborate symbols, the Fasces of Italian Fascism, the lion of Empire, the Eagle, the *Charkha*, etc.

In the stormy days of the rise of Fascism in Germany the land became a battleground of symbols; everywhere the Swastika appeared the socialists put the three arrows, recalling to the people the strength and sometimes the menace of the respective movements. Again, when the swastika appeared the Socialists crossed it out with the three arrows. While the Nazis raised the arm in their salute with the words *Heil Hitler*, the Iron Front clenched the first with the word *Freedom*.

Modern politics has had recourse to the use of myth. When the individual feels at odds with civilisation he constructs myths to justify conduct and to sustain community. When a conflict arose some individual had to break the taboo and be condemned. The hero is he who acts; others delegate the hero to act for them. But the individual is not content with identification with the hero,

he desires himself to act and thus the myth turns to symbols which give an illusion of realizing the aspirations after all. "The rite introduces the individual himself into the myth."¹² When the rite ceases, the myth fades away or merely becomes a part of ancient literature.

Rites have played an extraordinarily important role in social life, providing as they do for collective disinhibition. The individual gains a sense of value by identification for a time with the hero. As Freud has said, festivals are always "a solemn violation of a prohibition." Political parties try to create myths and make use of spectacular festivals.

It may seem strange to speak of myths and rites in this rational age but then *is it so rational?* We have seen the return of myth and rite in a political form, even of a kind of magic which uses sounds and symbols as part of its will to power. Myths and rites are being socialized, becoming sinister weapons of psychical rape, of anti-social activity. If we wish to conquer these forces it will not be by ignoring their psychological mechanism. Just as it would be suicidal to try to meet poison gas with litanies and images of the gods or saints, so we have to face the need of forged weapons to conquer psychical violence. Religions, especially in India, have paid special attention to psychical activity and raised it in some cases to a fine art, as in Yoga but, nowadays generally on an individualistic basis. But collective prayers, chants, processions and pilgrimages are all the product of the religious genius and lead to a form of self-transcendence or psychical heightening of consciousness.

To-day the press, the radio and the loudspeaker give enormous power to the "psychagogue."

We have seen that the active elements in the masses are in ratio of one to every ten of the passive element. Democracy has been defeated in many countries through a failure to recognise this. One cannot approach the passive elements in the same fashion as one does the active elements, by means of logical argument and appeals to "good sense." Political propaganda is in the nature of an applied science; it belongs to the field of collective applied psychology. One may sum up one or two points.

It is bad tactics to emphasise atrocities, to be plaintive or apologetic, to dwell on the strength of the opponent. It leads to "intimidation by repercussion".

¹²;Roger Caillois. *Le Mytheet l'homme*. Freud. *Totem and Taboo*.

Then, it is inadequate to have recourse to irony, to laugh at ones opponents when what is needed is combative action or demonstration of strength. Democratic propaganda has only too often been too doctrinaire, too insipid and academic to win the passive masses. It may make great efforts and only reap a poor harvest. Above all, it is often tragically belated in coming into action. Every person does not react in the same way and propaganda must be planned, differentiating between different groups of persons. Propaganda is effective when it depends upon a relatively small number of trenchant and concise formulæ which are hammered into the heads of the masses after they have been brought into a state of super impressionability. This is Pavlov's principle of the creation of conditioned reflexes. Furthermore, propaganda must be artistic and appealing. It is not enough to use propaganda during elections; it must be unceasing.

Hitler has used psychical violence supported by actual violence. "A resolute bandit can always prevent an honest man from carrying on political activity" (*Mein Kampf*). Hitler also uses exaggeration unscrupulously.

Propaganda services must be organized. A good example was the work of Lord Northcliffe during the great war and Goebbels' Propaganda Ministry. Propaganda, like war, needs a General Staff. Also specialized groups of agitators, pressmen, etc. Above all, it needs abundant funds. Liberty of the press and propaganda can be very dangerous when an unscrupulous party abuses them for its own ends to distil poison into the masses. Hitler destroyed the German Republic by exploiting the liberties which the law guaranteed. We have not time to consider the interesting question of propaganda in the past. Harangues, the decoration of buildings, symbols, uniforms, processions are very old. They reached a high level in Greece and Rome and in the practices of religion.

Tantric rites in India and the Greek cult of Dionysius appealed to the sexual instinct. The Greeks elaborated the drama as a political weapon. Both Greeks and Romans employed effectively public assemblies. In Rome, it was the aim in warfare to make an effective exhibition of menacing force as a psychological factor. Brilliant uniforms, flags, music and the battle cry were all used. The most effective weapon to impress the masses at home was the "triumph" accorded to a commander after a victory. Hitler has revived this to some extent. The triumph which I have not time to describe gave the masses an opportunity for expressing their instincts especially the instinct of struggle. The games in the circus were another successful device. "Bread

and "circuses" gave security to the State by satisfying the nutritional and combative instincts. The applause of the crowd later came to be organized and regulated by actual musical notation. The Fascists have borrowed the Roman salute with arm outstretched.

Persuasive propaganda in assemblies led to the perfecting of the art of rhetoric.

Early Christian history is full of examples of successful propaganda. The symbol of the cross, magnificent liturgies, music and the use of trained missionaries and of monastic orders led to the increasing power of the Church.

The French Revolution gives many interesting examples of successful collective psychological mechanism, including emotional speeches, terror, symbolism and slogans.

In India, Mahatma Gandhi has shewn a striking intuitive knowledge of collective psychology. Nothing could have been better staged than the famous march to Dandi. Similarly, the use of Khadi as a uniform and many other things might be mentioned. At an earlier date, B. G. Tilak was a genius at creating mass movement. The slogan "Swaraj is my birthright," the utilising of the Ganesh festivals, etc., all show him as a master propagandist. Unfortunately, no one has yet devised a propaganda which will unite Hindu and Muslim, though Gandhiji has at times got near it. But certainly the most remarkable example of propaganda on the grand scale is the origin of Hitler's success. He not only dominated his own people but has spread his influence partly by methods of psychical violence and partly by actual physical aggression.

One of the secrets of Hitler's march towards European hegemony in the course of which Belgium and the Balkans were detached from their former alliance with France, Austria was invaded and "assimilated" to Germany, Spain was drenched in blood and Czechoslovakia was seized after her guarantors were paralysed by a series of clever acts of intimidation, has been the reiterated statement "We want to avoid war." Hitler could have been stopped at the beginning when his preparations were incomplete; he could have been told unequivocally that his aggressiveness would not be tolerated and that if necessary, he would be brought down by force of arms but, in fact, everything was done to confirm him in the belief that the democracies were effete and would not fight. That Hitler actually launched on the present dreadful conflict is proof that to the last he believed that he would not be attacked in return. Up till then, it had all been a monstrous bluff, in which the democratic statesmen, for the most

part old fashioned "playing-the-game," conservatives or idealistic liberals and socialists believing in pacifism and good sense, were thoroughly hoodwinked. Hitler conquered power in Germany without a blow being struck. The people voted for him and foreign powers were hypnotized by this appearance of solidarity, of 75 millions apparently voting for Hitler. This hypnosis is but a repetition on an international scale of what Hitler achieved in Germany. Hitler has applied the methods of handling crowds which derive from the laws of Pavlov. He has succeeded in fooling the world because his opponents would not grasp this and act accordingly. The tactics of psychical violence are now being employed on an international scale.

Hitler's method of surrounding his victims with all the symbols of menacing power lead to the suggestion "Hitler is force, the only real force, and since everyone sides with Hitler, I must too if I do not want to be annihilated." This for the passive "55,000." As for the active "5,000," Hitler takes great pains to create militants, local leaders, blind devotees; he captures the youth and even the children. The proportion between the 5,000 and the 55,000 may be rather different in advanced democratic countries. Yet Hitler's methods have met with not a little success in many countries. After reducing Germany to subjection Hitler began a world campaign. Were Hitler able to put across his "psychagogy" in India with its illiterate impressionable multitudes it would be a terrible danger, especially when Rumour has such Potency.

Hitler has two methods of propaganda adapted for the active 10% which can resist crude suggestion and for the 90% respectively. The propaganda for the 90% is based largely on the combative instinct and consists of actual menace from time to time and the mass dissemination of symbols which recall the menace in the interim. These absolute and conditional factors combine to create reactions of fear which take the form of votes in favour of those who spread the threat and symbols. The first type of propaganda addressed to the 10% uses methods of persuasion and reasoning; the second type uses methods of suggestion which sometimes induce fear and sometimes intense enthusiasm. The first form is based on reason and consists of the usual methods of political activity—newspapers, pamphlets, speeches, "canvassing," etc. It appeals chiefly to the nutritional instinct, to economic interests. The other type of propaganda appeals to the senses, employing pictorial, plastic, and sound symbols, uniforms, flags, noisy processions, and demonstrations. Often, the demonstrations are combined with displays of

aeroplanes in flight, sports rallies and so forth. The sublimated sex instinct can be appealed to also by popular songs, dances and æsthetic groups and colouring in processions. Handsome muscular youths are made to march in procession. Luminous colour effects are used during the Leader's speeches. Hitler has a whole board of switches on his desk. *Mein Kampf* has much to say about the technique of propaganda. "It is," he says, "the essential art of giving political guidance to the masses." At the party Congress of 1936 he cried "Propaganda brought us to power, propaganda has since enabled us to remain in power, and propaganda will give us the means of conquering the world." "The task of the propagandist is not the scientific education of everyone but the indication to the masses of the facts, events necessities, etc., whose significance and moral enter their field of interest." He clearly sees the importance of the psychical rape of the masses. It is a disgusting weapon to use but once it has been used opponents must use it too—or perish. As Hitler himself says "It is a terrible weapon in the hands of those who know how to make use of it."

Hitler provided his propaganda department with enormous funds, mostly out of the pockets of the industrial magnates. In 1934, the propaganda ministry was budgeted over £2,000,000 and the total expenditure in subsequent years has reached the sum of about £4,000,000. All Germans have to listen to Hitler's speeches. Goebbels declares that propaganda "must tend to simplify complicated ideas" and Hitler remarks that "to win over the masses, it is necessary to take into account in equal proportions their feebleness and their bestiality" and "the greater the mass of men whom it is desired to reach, the lower must be the intellectual level of the propaganda."

One can see in Hitler's propaganda, the use of chauvinist catchwords—"the stab in the back," the re-establishment of national honour," etc., the use of anti-semitism and "raceist" ideas, frenzied demagoguery—the making of wild promises to peasants and workers and the word "socialist" in the party name. Hitler is not merely content to win voters but to capture the whole of the population by relentless unceasing use of force. Hitler says "the great majority of people are so feminine in their mentality and disposition that their opinions and actions are determined much more by impressions produced on their senses than by reflection."

Thus we can see that Hitler's propaganda is characterized mainly by three elements—"the ignoring of all moral considerations, the appeal to the emotions by the use of the combative

instinct as basis, and the employment of rationalised methods for the formation of conditioned reflexes inducing conformity in the masses."¹³ Hitler won in Germany because he was never adequately opposed by his own methods.

In the international field, he won his first battle against France—by propaganda—in the matter of the Saar plebiscite. He then occupied the Rhine. Genevieve Tabouis¹⁴ tells of Hitler saying "France won't move an inch." But if France does? he is asked. "I will commit suicide and you can give the order to withdraw." The entry of German troops passed off without a hitch and not a single cartridge had been issued nor a single shell. One more bluff had succeeded. Time and time again it worked and bluff, psychical rape triumphed over reason, which paralysed any tendency to use similar methods in opposition which would have broken the spell. The democracies never realized the nature of the psychical weapons which were being used against them. *The Front Populaire* in France for a short time showed signs of using Hitler's own weapons and with not a little success. But the men of the old school upset everything and expressed their fear of "collective insanity," "unworthy methods," etc. They combated the healthy reaction of the people to the poisoned weapons of Fascism; popular enthusiasm was quenched, petty routine restored and the opportunity was wasted—to the advantage of the adversary. Then Spain was attacked and the Fascists successfully banked on the non-intervention of France and Britain. The long heroic resistance of the Spanish republic was an unexpected blow to Fascism as was the resistance of China to Japanese aggression, where despite the anti-comintern pact Germany continued to supply arms to China. But Fascist propaganda was able to utilise the shock caused by the Soviet trials and purges, insinuating that Russian military power had been broken.

Italy being occupied in Spain, Hitler proceeded to the Anschluss with Austria. He was, perhaps, encouraged to continue the pressure on Austria because of the departure from the Foreign Office of Mr. Eden. Schuschnigg's decision to have an immediate plebiscite would have completely ruined Hitler's methods which were to lead up slowly to a plebiscite after a period of intimidating propaganda. To stop Schuschnigg Hitler's troops marched in and took possession of Vienna without firing a shot.

Hitler proceeded to act against Czechoslovakia and intimidatory propaganda developed in Sudetenland. Once more, irresolu-

¹³ Chakotin. *op. cit.* p. 183,

¹⁴ In *Blackmail or War*.

tion and the deplorable intervention of Runciman gave Hitler what he wanted. The crisis of September, 1938, is an admirable illustration of the importance of the psychological factor. Hitler was allowed to use his usual methods by the leaders of Britain and France. First military occupation of Sudetenland (Absolute reflex) and then plebiscite after propaganda (conditioned reflex). It is important to realise that Chamberlain had assured Hitler that he could get what he wanted without fighting but still he occupied Sudetenland with all the panoply of force. *It was part of his propaganda mechanism.* The Sudeten pretext was used by Hitler to dislocate the Franco-Soviet pact, for, Hitler now aimed at open hegemony. The appeasement agreed upon at Munich gave him a free hand in the East. He went on to annex Czechoslovakia. Once more, his methods had succeeded. Was Duff Cooper right when he said in the House of Commons after Munich that "the Prime Minister believed in addressing Hitler through the language of sweet reasonableness. I have believed that he was more open to the language of the mailed fist?"

I have already mentioned the interest which the Munich crisis has for the student of collective psychology—the alternation of emotions. The optimism which followed Munich was quite clearly a psychological reaction and it was rapidly dispersed by the annexation of the Czechs, the anti-Jewish pogroms and finally the invasion of Poland.

It is very difficult to say for certain but it would seem that the collapse of France and the establishment of a virtually Fascist new state under Marshal Petain represents not only a conquest of arms, which was certainly incomplete but one more psychical rape. Mr. Churchill in his speech of 14th. July, seems to hint at it. In conclusion may I suggest that if what is left of Democracy—Britain, now a literal armed fortress awaiting invasion, the United States and the British Dominions overseas—desires to be victorious against Fascism it will not be by arms alone. Psychical rape can only be answered by psychical prophylaxis, or the constant inculcation of the democratic idea by means of propagandist practices of a demonstrative and persuasive character. Then, there is need for education to equip men against the onslaughts of false propaganda, and finally, desperate and rapid efforts to improve the standard of living—the guarantee of security through decent wages, and adequate periods of rest so that men may not be, through their conditions of living, neurotic—and easily suggestible.

In the short time that may be before us in India, it is essential that we should do all that is possible to improve the standard of

living, to produce contented men and women. The deep sources of human passions, smoothly moving to all appearance may well up in explosive form, especially if those who have knowledge of what is in man exploit it for their own purpose.

It may be that modern civilisation with its over-excitation and crowded cities, its insecurity and lack of any profound philosophy of life which can harness and redirect the hidden springs of action is doomed to become the prey of unscrupulous psychagogues. One thing is certain and that is, if democracy survives and has to face the ruins of a post-war world it will have to use every possible psychological device and do all in its power to create a social order that both has the force to control disruptive elements and the justice to convince the masses that their welfare is paramount. Ideas of internationalism, brotherhood, will have to be hammered into men until they become the obsession that force and imperialism now are. The negative method used by Hitler and Mussolini for anti-human aims of national supremacy and war could be used for the saving of humanity. But this procured obsession will be built up in this case not on fear but on enthusiasm, love and joy. It would be a "violent propaganda of non-violence!"¹⁵

For those who are of the active 10 per cent. it is not necessary to invent a doctrine; anti-Fascism has a broad base—the brutality of the *blitzkrieg*, the ruined cities, the racial and religious persecutions, the innumerable refugees, the cultural decline and the slenderness of Fascist economic and political theory, all provide negative grist for the anti-fascist mill. But constructive action is also needed—a positive social democratic programme which can come into force as soon as the war is over. It is tragic that Britain in those earlier days of the war was unable to come forward with some such attractive proposition. It is tragic also that the vast man-power and resources of India could not be fully tapped, through the lack of imagination which could make a really generous gesture. The failure to do this can make the suggestible Indian masses easy prey for fifth column activities.

Above all, Democracy needs colourful propaganda; all the resources of myth and ritual. Perhaps the myth of human liberty, of fall of the Bastille can still evoke sparks of courage and faith in the heart of man. Democracy needs its symbols displayed everywhere and its cry of unity.

Above all, democracy needs men of vision who will remove the accusation of domination by the rich, of *pluto-democracy* and will, out of the ruins of the past, build a new world.

¹⁵ Chakotin. *op. cit.*,

In these dark days terrible decisions are being made. Are men to be free agents, using their freedom from the common good yet limited in their freedom by the mechanism of just laws and the right kind of education or are they to be puppets manipulated by psychagogues? To-day, the men who are able by virtue of education or psychological balance to resist suggestion are only 10 per cent. Human nature itself is weak and easily succumbs to appeals to the beast in man. We cannot afford to have the blind optimism about man of an earlier generation.

It is true that one may hope that those nations and groups conquered by Fascism may eventually revolt just as a sick person may have a temperature to show that he is reacting against disease. But what misery is involved in war and revolution, what dangers of total breakdown, unless there are leaders ready to guide the revolting masses into a new order. Such leaders will be desperately needed in the next few years or even decades.

Apart from the appalling neuroses engendered by war, man is reduced to a nervous state of debility by continual bombardments of his personality not only by political propaganda but advertisement. We do not yet know the effect of wireless waves on our bodily organism and nervous system. In towns, lack of air and sunlight, the dust and exhalations of factory chimneys and motor-car exhausts as well as nerve-wracking noise, overwork and inadequate food, all have a deplorable effect on man. Science and hygiene are helping man to live longer but the artificial conditions of his life in cities may have a deteriorative effect upon man.¹⁶

The more man advances the more artificial becomes his life. It may be that every human culture bears within it the seed of its own decay. Fascism may be the revenge taken by primitive instincts demanding their biological salvation at the expense of the fruits of culture and the religious ideals of self-sacrifice and altruism. It is indeed better to engage in the pursuit of philosophical knowledge than to be a glutton and a great social institution may give greater satisfaction than the sense of having beaten a rival, but we have to pay for these higher pleasures with part of our being, perhaps of life itself. It is better to sacrifice mere biological well-being than the felicity of the things of the spirit which accompany culture.

Culture leads to destruction but through it life becomes richer and more worthy. We may perhaps have to ask ourselves the ultimate question whether this life is all and whether the quality,

¹⁶ See. Alexis Carroll. *Man the Unknown*.

the capacity of self-sacrifice, of the readiness to die, though it may seem to go against nature, may not after all be more natural for man, whose essence can only find fulfilment in a realm far beyond the purely biological.

It is against this background that India has to make great decisions. Mahatma Gandhi's challenge to the world must be pondered over. He not only stresses the need of non-violence but is one of the few contemporary thinkers "who has the courage to criticise the assumptions of machine civilization. It may be that if man is to be saved he will have to abandon "megalopolis" and return to simpler patterns of living. As at the time of the fall of the Roman Empire it was the peasant who survived. It may be so again.

The problem of leadership is also vital. Democracy seems able to work most effectively in small groups—the city state, the village commune. Let India not be blinded by the illusion of progress or an unthinking imitation of the West which is beginning to doubt itself. The ancient system of *Varnashrama*, though now largely decadent and an obstacle to ordered development, was in origin profoundly inspired. Leadership was to be given to men who were detached from material desires, who had a vital grasp of the psychical needs of man and who could, by virtue of psychical control, lead men into a better life. Is it possible that out of the chaos of the present, man may once more find the necessity of this ideal and find in the philosopher, in the true *Brahmin*, in the man of psychological insight and psychical capacity, a solution of the bitter problem of freedom and authority? Perhaps, if man is to escape the consequences of a false psychagogogy in the hands of proud and neurotic men, lustful for power, he will have to think out his Political theories afresh.

THE NATURE OF THE STRUCTURE OF THE CORPORATE STATE¹

BY

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During the Middle Ages the conception of a '*Communitass Communitatum*' prevailed. A Community (unity) consisted of communities, estates, orders or associations (plurality). The Conception of the Empire, Church and Feudalism was inore or less based on it. It was a pluralistic conception. In the 16th century this conception began to be assailed with the growth of Nation-states. Jean Bodin and others who followed emphasised the monistic conception of the State and the Community. This conception dominated the European political thought till the 19th Century. Pluralistic interpretation of society has again made its appearance. There is at present no conception of a universal empire or church or world State. The political thought still hangs round the practice and idea of the nation-state. The British Empire is being called the Commonwealth of Nations. The League of Nations is based on the conception of a group of Nations. The present War is being fought for the preservation of the independence of nations. Russia is also fortifying the idea of Socialism in one land. Hence, the trend in modern political thought is towards laying emphasis on the conception of unity in plurality. The nation-idea is not given up, but it is being correlated to the idea of world-order and world progress and inter-related to the groups and associations within the nation. From this point of view a unitarian state within the nation, and a world-state or empire-state absorbing the nation, are not practical politics. The idea of corporate state is one of the solutions developing to meet the complex situation and factors within smaller nations and states, and that of a federation or Commonwealth with autonomous republics or areas, states or provinces within larger nations or lands. The conception of a League or Commonwealth of Nations to co-ordinate world activities and to promote international peace and co-operation are characteristics of the same tendency.

¹ A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

This stress on the principle of unity in plurality in human associations—from the corporation to the state and finally to the international community—has been one of the motive forces contributing to the rise of the new pluralistic conceptions in modern politics and jurisprudence. How to adjust and co-ordinate harmoniously the two contrasting ideas of a world state or order (unity) and of a nation-state and autonomy of particular groups and associations (plurality) is the chief problem of modern political philosophy. It is not the problem of either creating a unitary world-state or Commonwealth or even a unitary nation-state or empire. Political science must give up the method of metaphysical or dialectical dogmatism and apply the inductive method to the actual working of the social forces in human life. We must look for a working political theory or hypothesis in the conception of *union of unions*, or *unity in plurality* and not of unity or plurality alone. We must try to arrive at a harmony between unity and plurality. Every organism political or non-political which is a whole with a life of its own is also a member of a larger and higher organism whose life it shares and which influences it. This thought was prevalent in the middle ages and has to be resuscitated and applied in developing modern political theory. The only questions which will remain to be solved will be the nature of the central authority and that of group autonomy and individual liberty, that is, the problem of demarcation of subjects, functions and liberties between them. We have to recognise the liberty of the individual and the organic life of his particular groups and associations and give them a proper place in the whole or the greater union. We cannot, however, accept completely the conception of “a free individual or a free group in a free state,” “a free church in a free state” or “a free community in a free state” or an “*imperium in imperio*”.

The problem of modern political theory would therefore be primarily two-fold (1) what are to be the limits of central authority, individual liberty and group autonomy, and (2) what is to be the structure of correlations and inter-rations between them and the conventions necessary to harmonise their working.

We must recognise the fact that “within every unity there must be plurality, within every uniformity there must be diversity, that is, there must be freedom. If unity alone prevailed then all spiritual life, all human progress, would cease” (Gierke). This central fact in human life our political theory must recognise; otherwise, it will fail and become a myth to be discarded sooner or later. The actual history of mankind and the ideal of human

organisation can be interpreted as striving towards the harmonising of unity and plurality. This alone leaves scope and freedom for human variety and progress. The corporate personalities of the lower or narrower unions are as real as those of the higher ones. The possession by the state of the right of co-ordination, control and supervision does not mean that the corporation or individual in the state is in a position of complete subjection to the sovereign state. The State possesses the nature of the *community of communities*. We must therefore carefully consider the questions of reciprocity, inter-dependence and relativity in the relationship of the various grades of the social structure in which continuity of co-ordination and union between plurality and unity are based on the harmonious agreement of plurality with unity. The highest aim of our political philosophy should be the creative union of the general and individual wills in the higher ethical organism we plan and create. Modern state has to be rebuilt on a functional, cultural and territorial basis, recognising the various aspects of human, communal and cultural life and properly correlating and co-ordinating them. The idea underlying this conception is that people should create for themselves, directly from their social, economic and intellectual position and functions the law appropriate to that position and functions, and that the task of the state should be simply that of maintaining by its governmental machinery the obedience of the law so created, after allowing scope for its development and adjusting it to the general and changing needs and growing interests of the whole community. The whole problem of the state is therefore the problem of the regulation of the systems of the various groups and interests by their own wills adjusted to the progressive welfare of the whole and the sanction of those systems by the state. On this basis alone our legal, political and social theory can be developed and real self-government attained. Then only the political process of centralisation can be happily and harmoniously worked out on a regional as well as on a cultural and functional basis.

In the past the problem of statehood (authority) and freedom was solved by the creation of a system of political and legal institutions which gave to the people protection against arbitrary interference by the organs of the state power in their spheres of individual freedom and the possibility of influencing the state power by the exercise of political rights.

At present the idea prevails that the essentially formal character of the state does not afford sufficient security for the material and cultural freedom of the individual and his groups. There-

fore, it is necessary that social forces and cultural or functional activities should have a sphere of organising influence outside the state and free from its authority within certain limits. Then the problem of politics would be that of a demarcation between the social functions of the state and those of non-state organisations.

No monistic theory of the state can be valid unless the state itself becomes the absolute and only entity of the will of individuals. This is not possible in the modern world. The basic conception of society in modern times has changed both in theory and practice from the *laissez faire* individualism to rationalised collectivism. "The highest virtue of collective goodness on the basis of equality has been substituted for the highest virtue of the fullest realisation of individual freedom in the individualistic world." Therefore the state should yield up its supremacy in many branches of human activities and subordinate itself to the international control of the world government and to the free functioning of groups and associations organised within it for various purposes and aspects of life. The corporate state attempts to do this *partially*.

The **Corporate State** is at present in the making. It is in action. It is not yet completely established. The process is still going on. Whatever is its origin or origins, Mussolini is the maker of it in Italy. He claims it to be an advanced form of state, more advanced than the liberal state, more human than the Communist State, and more suited to the modern complex society. The Corporate State is the form of the State as it is going to be, not as it is or ought to be. It is a state born out of the necessities of modern times and the complex nature of man and his social groups. It is not based on metaphysical or idealist, abstract or unhistorical conceptions.

Liberal democratic State was born out of mediæval communal, feudal and Christian ideas. *Communitas* gave representative ideas. Feudalism gave a system of rights and duties and developed a sense of constitution and a rule of law. Christianity gave a sense of human personality and developed a conception of moral life above and beyond secular life. Commune, feudalism and Christianity adopted the maxim *Lex est Rex* (Law is King) not *Rex est lex* (King is law). According to feudalism the king was merely *primus inter pares*, suzerain not sovereign. According to Christianity the State was an evil but a necessary evil and was merely the police of the Church. The conception of contract and consent developed by feudalism, and the dictum of Christ "Render unto Cæsar what is Cæsar's and render unto God what is God's," proved to be great checks on the development of

monistic and absolutist conceptions of State and Church. The conception of divine and absolute monarchy and of divine infallible papacy, both theocratical in character, could not fully establish themselves, because in one case there was the conception of a feudal law or system of rights and duties superior to the King, and in the other there was the law of the Bible and the acts and utterances of Apostles which Papacy could not set easily aside or claim to interpret alone.

But the feudal-Catholic age passed away, and a new world of nation-states where feudal system was destroyed and where Church was subordinated to the State or dis-established from the State, came into existence. The nation-state gradually became centralised, territorial and dictatorial in character. It did not leave any class or group independence within or any extra-territorial loyalty or ultramontane authority without. England achieved this stage earlier. Continental States like France, Italy and Germany did it by the end of the 19th century. But the Industrial Revolution changed the character and problems of European Society. It created new economic and political problems for the liberal democratic nation-state as developed in England and as adopted in France, Italy and Germany. It secularised human outlook. It made it more material and this-worldly. The early authoritarian and status ideas gave way in political and social affairs. A new libertarian and contractual outlook came. Society developed a number of functional and cultural groups and classes. Hence came the revolution in political thought and social structure. Extreme ideas of majority control came into vogue. Not only political democracy but social equality began to be preached and fought for. This created or brought into vogue new systems of political philosophies, socialistic, syndicalistic, anarchistic and corporatist. Mussolini in his speech to the workers of Milan on 6-10-34 calls the present period, "the end of a phase of contemporary history, of a period which may be defined as liberal-capitalistic economy," "the passage from one phase of Civilisation to another." The new age he designates not as one of "economic aiming at individual profit, but economy concerned with Collective interests." He characterises the past as follows:—The past century proclaimed the equality of citizens before the law . . . The Fascist century upholds, in fact consolidates, this principle, but adds another which is none the less fundamental: the equality of men before work, understood as a duty and a right, as a creative joy that broadens and enables existence, rather than mortifies or depresses it. Nevertheless, equality does not exclude, but indeed requires a clear

distinction of hierarchy, where functions, merits and responsibilities are concerned" (Speech 10-11-34).

This is the keynote and spirit underlying the conception of the Corporate State now developing and is in action in Italy. Mussolini says "the Fascist regime does not intend to *nationalise*, worse still to *bureaucratise* the economic life of the nation (which is done under Unitary State). It can control and regulate economic activities through the Corporations." 'It is not going to be a centralised, unitary, and bureaucratic state. It is going to admit private initiative and association.

Then how does the Corporate State differ from the Bolshevik State? Mussolini says, "The Fascist has no wish to absorb all the innumerable, varied, changing and complex manifestations of the economic life of a people, because it does not wish to suffer from elephantiasis and paralysis like the Bolshevik State." Mussolini's reading of history previous to the Fascist revolution will help us in understanding the nature of the Italian **Corporate State**. He says "the capitalist method of production has been superseded and with it the theory of *economic liberalism* which was its interpretation and apology." He defines "Capitalism as a specific method of industrial production. It is a method of mass production for mass consumption, financed in mass through the national and international issue of Joint Stock Capital. Capitalism is therefore industrial and has not found expression to any considerable extent in the field of agriculture." "I would mark three periods in the history of *Capitalism*—the *dynamic period*, the *static period*, and the *period of decline*. The dynamic period lasts from 1830 to 1870. It coincides with the introduction of the mechanical loom and the steam-engine. The factory rises It is the period of large profits, and therefore the law of free competition and the struggle of all against all can have full play. . . It is a period of forty years. During these forty years the State is an observer and keeps aloof. The theorists of liberalism say: "You, the State, have but one duty, namely, to act in such a manner that your existence should not even be perceived in the economic field. The less you are concerned with the problems of an economic character, the better will be your rule. Thus economic activity in every form is ruled only by the Penal and Commercial Codes." "But after 1870, his period changes. We no longer have the struggle for life, free competition, the survival of the fittest. The era of cartels, syndicates, combines and trusts begins. The consequence is the end of free competition. In view of the fact that the profits had been curtailed, capitalistic enterprise finds it better to come

to an agreement rather than to fight, to form alliances and mergers in order to share markets and profits. The very law of supply and demand is no longer a dogma, for cartels and trusts make it possible to influence both supply and demand. Finally, this coalesced, trustified, capitalistic economy turns to the State. What does it ask for? Customs protection. For trade, which is only a wider aspect of the doctrine of economic liberalism receives a death-blow. The very size of enterprises is beyond the capacity of man: formerly it was the spirit which controlled matter, now it is matter which curbs and moulds the spirit. When does the Capitalistic enterprise cease to be an economic phenomena? When its very size turns it into a social phenomenon, and it is precisely at this moment that the capitalistic enterprise finding itself in difficulties, falls like a dead weight into the arms of the State.

"It is here that the State intervention begins and becomes increasingly necessary. At this stage, there is not a single field of economy in which the State is not forced to intervene. This will lead to State Capitalism. We will arrive at the bureaucratisation of national economy. This is the crisis of the Capitalistic system considered in its universal significance. The survey of the economy of the Italian nation shows how varied and complex it is. It also proves how mistaken Karl Marx was, when following up his apocalyptic doctrine, he claimed that Society could be divided into two separate classes to be eternally irreconcilable."

Mussolini wants Italy to remain a country of mixed economy, that is, "a strong agricultural organisation at the root of everything; a sound small medium-sized industry: banks which do not speculate; a trade system fulfilling its proper task of supplying commodities rapidly and rationally to consumers."

With this understanding and approach to history and with this aim about the future organisation of Italy, Mussolini has set in motion what he calls the corporate state. "During the dynamic phase of Capitalism economic events were of a prevalently individual and private character. At that time theorists entirely excluded the intervention of the state in economic matters and only required the state to guarantee security and public order in the country, but otherwise to remain outside the field of activity."

Mussolini's conception of the new State is as follows:—

"Our State is not an absolute State, still less an absolute State far removed from men and armed only with laws, inflexible as laws must be. Our state is an organic, human state desirous of adher-

ing to the réalities of life. Everything that brings the citizen into closer contact with the State, everything that associates the citizen with the machinery of the State, contributes to the Social and national aims of Fascism."

But this State is to be related to and concerned with all aspects of social life. It is to coordinate, control and supervise their working in the interests of the community and its unity as a whole. "We are a State which controls all forces acting in nature. We control political forces, we control material forces, we control economic forces, therefore we are a full blown Corporate State." (MUSSOLINI.)

His objections against the chamber of Deputies illustrate his chief objections against the parliamentary Democracy. "The Chamber implies the existence of a world we have overturned, it entails the plurality of parties and not infrequently the hold-up of ministerial activity."

What is then the meaning and function of Corporation in Italy? "Corporations are defined as the instruments which, under the ægis of the State, carry out the complete organic and totalitarian regulation of production with a view to the expansion of the wealth, political power and well-being of the Italian people." Their composition is to be as follows:—

"The general staff of each Corporation shall include *representatives* of the state administration, of the Fascist Party, of Capital, of labour and of experts." Their functions are to be "conciliation, consultation (Compulsory on problems of major importance) and the promulgation of laws through the National Council of Corporations, of laws regulating the economic activities of the Country." "The Corporations operate in the economic field as the *Grand Council* and the *Militia* operate in the political field. Corporations mean regulated economy and therefore also controlled economy. *Corporations* supersede socialism and also supersede liberalism. They establish a new synthesis (between liberalism and socialism). Corporate economy rises at a particular moment in history when the two concomitant phenomena of capitalism and socialism have yielded all that they could give."

“We have rejected the theory of the economic man, the liberal theory ” “ The economic man does not exist. Man is complete: he is political, he is economic, he is religious, he is a saint, he is a warrior.”

Fascist Corporationism therefore represents the “social factor of the Revolution.” It is expected to solve the conflict of classes and groups and functions which are inevitable in a modern complex society. Corporations have not as yet organised other aspects of life. “ There is no doubt that in view of the general crisis of Capitalism the *Corporate* solution will force itself to the fore everywhere, but if the system is to be carried out fully, completely, integrally, revolutionarily, three conditions are required.

The first is: a single political party in order that political discipline may exist along side of economic discipline and that the bonds of a common fate may unite everyone above conflicting interests. Nor is this enough. Besides the single political party, there must be a totalitarian State, a State which by absorbing the energy, interests and aspirations of the people may transform and uplift them. But even this is not enough. The third and last important condition is to live in an atmosphere of strong ideal tension.” (14-11-33)

The sources of Italian Corporative State are to be found in (1) the convention of the Palazzo Chigi and the Pact signed at the Palazzo Vidoni, (2) The Law of April 3rd, the bylaws of July 1st, 1926, and the Labour Charter promulgated on April 21st, 1927, (3) the laws on Corporations of March, 1930, and of February, 1934.

The fundamental premises of the law of Corporations are the following:—

- (1) There are no economic matters which only affect private or individual interests. From the day when man resigned or adapted himself to life in common with his fellow-beings, not a single one of his actions begins, develops or is concluded in him alone, but has repercussions which go beyond his person.
- (2) There should be State intervention in the interests of social well-being.
- (3) There should be syndicate and corporate associations which should harmonise and regulate human life.

“ If liberal economy is the economy of individuals in a condition of more or less absolute freedom, Fascist Corporate economy is the economy of individuals, but also of associated groups and of the State.”

The characteristics of corporate economy are:—

- (1) Corporate economy respects the principle of private property. Private property completes the human personality, it is a right and therefore an obligation. It is a social function, not inactive property, therefore, but the reverse, not property which merely enjoys the produce of wealth, but develops, increases and multiplies this produce.
- (2) Corporate economy also respects private initiative. The State is to intervene only when individual economy is deficient, non-existent or insufficient.
- (3) Corporate economy introduces order in the field of economy. This order is to be enacted through the self-discipline of the various categories concerned. It is only when various categories fail to come to an agreement or to establish the proper balance that the State may intervene, although the State has the undisputed power to do so, because *it alone* represents the other aspect of the phenomenon which is *consumption*. The nameless mass which forms the bulk of the *Consumers*, not being actually organised into regular bodies, must be protected by some organ voicing their *Collective interests*.” (Speech on the Law of Corporation 13-1-34). The position stated here is that of Guild Socialists. The Corporate solution means the Self-discipline of production entrusted to producers which mean employers and workers.

Mussolini claims that Fascism establishes the real equality of individuals before *labour* and before the *Nation*. The difference is only in the scale and scope of responsibilities. He wants to assure them higher social justice, which means work guaranteed, fair wages, decent homes, and the possibility of continuous evolution and improvement. It means that the workers must enter more and more intimately into the productive process and share its necessary discipline.” The Corporations are organs of the State, but not bureaucratic organs. Fascist regime does not intend to nationalise, worse still to bureaucratisate the economic

life of the Nation. It can control and regulate economic activities through the Corporations.

"Private ownership will continue to be the basis of our agricultural economy, which is regulated and assisted by the state in order to attain increasingly higher averages of production and coordinated by the Corporations with other branches of national activity."

"The aspects of Corporate economy are multiform and harmonious. Fascism has never thought of reducing them to one common denominator, the *State*. It has never dreamed of making all national economic activities State monopolies. They are regulated by Corporations and the government only takes over such activities as belong to the sector of National defence, and are therefore essential to the life and security of the country.

Under this system (Corporate) varied in its aspects as is the economic life of all nations with a high standard of civilisation, the *workers* are *Collaborators* in the enterprise on the same footing as the purveyors of Capital and the technical directors with equal rights and equal duties.

Under the Fascist regime, work in its manifold forms, becomes the gauge for the social and national utility of individuals and groups. The Fascist system can and must reduce the distances separating the several categories of producers, which, shall recognise the ranking superiority of those entrusted with the highest duties saddled with the heaviest responsibilities.

There has been no monopoly of economy on the part of the State and therefore no bureaucratizing of industry on the part of the State."

The State intervened, according to the Labour Charter, where the public interest prevailed or private initiative failed, the latter having limits which can be overstepped only in the political and economic interest of the State.

The *Labour Charter* gives us "the essential principles on which the organisation of the Fascist Corporate State is based and also the regulations which control the economic life of the nation and the organisation of labour in every field." Let us see what we gather from it about the Corporate State. "The Italian Nation is an organism having ends, a life and means superior in power and duration to a single individual or groups of individuals comprising it. It is a moral, political and economic unit, work in all its forms is a social duty. There is complete freedom of professional or syndical organisation. Syndicates are professional organisations of employers or workers for separate categories of industries. They have the right to protect their

interests in their relations with the State or with professional associations. They stipulate collective labour contracts binding on all of those belonging to the category. Syndicates represent one particular category. Corporations represent a group of categories including all concerned in one given economic activity.

Corporations are thus organisations which link up all the forces of production and integrally represent their interests. In virtue of this integral representation, the Corporations are recognised by the law as State organs. As representing the unitary interests of production, the Corporations may enforce binding regulations for the discipline of labour relations as well as for the coordination of production, whenever they are empowered to do so by the affiliated associations. The Corporate State considers that *private enterprise* in the sphere is the most effective and useful instrument in the interests of the nation. In view of the fact that private organisation of production is a function of national concern, the organiser of the enterprise is responsible to the State, for the direction given to production.

State intervention in economic production arises only when private initiative is lacking or insufficient, or when the political interests of the State are involved. The intervention may take the form of control, assistance or direct management. The Italian Corporate system is established upon a syndical basis. A syndicate is formed for each category of workers and is called upon to examine all problems of interest to the category, to appoint syndical leaders and to discuss the requirements of the workers. Syndicates representing the various categories act on the principle of collaboration, according to the methods and forms established by law. There is no class struggle but class collaboration. Disputes which arise are viewed as one of the inevitable aspects of human life and can be settled by agreements. In order that national life shall develop in a manner profitable to each and all, after creating organs to represent individual and particular interests, namely, the Syndicates, it became necessary to establish links between these interests in order that they might merge, or in the event of disputes that difficulties may be settled. These *connecting links* which *establish collaboration* are provided by the *Corporations*. In embryo the *Corporation* was conceived as an organ where employees and workers might come in touch with one another and establish Co-operation.

The Act of 1934 makes Corporation as the organ for Collaboration between all the Categories engaged within a given cycle of production viewed as a compound of products and exchanges which go to the making of a certain branch of industry.

The Act of 1934 relating to Corporations says "the *liaison* organs are of a national character. They bring together the national syndical organisations of the several factors of production, employers, intellectual and manual workers in a given branch of production, or in one or more given classes of enterprise. Organisations thus linked up form a Corporation." They are organs of the state. They have authority to conciliate disputes that may arise between the affiliated organisations, to promote, encourage and subsidise all initiatives aiming at the coordination and improvement of production, to set up labour exchanges whenever the need for them arises and to regulate apprenticeship by issuing general compulsory rules in the matter and to supervise the observation thereof.

The number of such Corporations is 22 and the National Council of Corporations looks after them.

In October, 1938, the Chamber of Deputies was replaced by a "Chamber of Fasces and Corporations." Its members are high party functionaries and representatives of the economic Corporations. The function of the new Assembly is defined as "Collaboration with the Government in the formation of Laws." The Council of Corporations organised in March, 1930, consisted of 117 representatives of the 13 Corporations, 11 each of employers and employees of industry, 9 each of Agriculture, 7 each of Commerce, 9 each of Air and Sea transport, 5 each of land and internal water transport, 5 each of Banks, 5 of the professions and Arts, and 25 of labour. The membership was augmented by representatives of different ministries, veteran's organisations, marketing, securities companies and insurance associations. It was also to contain the representatives of new economic categories or guilds. Their decisions were to be approved by the Grand Council and the Duce who acted as a coordinating body for the Collective activities of the new Corporate State. Its aim was to establish a balance between *private initiative* and the interest of *Society as a whole*. The Ministry of Corporations established in 1926 is the direct representative of the National Government and the chief government organ through which the Fascist State directly supervises and controls the operation of the Syndical and Corporate organisation.

Italy's economic life is now, however, organised into 9 Confederations, each consisting of a number of Federations of employers and workers, and 22 Corporations.

The general Assembly of Corporations will consist of the representatives of the 22 Corporations, that is, representatives of

labour and capital from 347 branches of Agriculture, Industry, Commerce and professions.

The Italian Corporate State is still in the making and has not as yet organised other aspects of people's life nor assured the liberties of individuals.

ADMINISTRATIVE COURTS IN ENGLAND

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1

Although the basic reasons are extremely different, yet it is now undeniable that the position of predominance which administration generally assumed in a simple society of early times must perforce to a large extent be conceded to it in the complex one of today. In the ancient world, when the function of the state was generally to stabilise an unstable and morphous society, public administration usually tended to set the pace in the general improvement of the social organisation. In the modern state, with its highly industrialised methods of production and the consequent complex of economic-social-political problems, public administration is again coming to assume a positive role in the regulation of economic life and the solution of social and public problems generally. In performing that task, administration is naturally gaining new ranges of influence and finding itself vested with a large variety of new functions, which forcibly trench upon what have traditionally been supposed to be the duties of the legislature and the courts.

The administration of the affairs of the modern state having become a highly complicated and technical function, it is becoming increasingly difficult of comprehension by such lay bodies as Parliament and the Courts. The amount of legislation, and of technical legislation for that, having enormously increased, Parliament finds that it has neither the time nor the ability to wade through it. It is, therefore, limiting itself merely to outlining the general directions of policy and delegating the function of making detailed rules and regulations to administrative departments. The amount of litigation similarly, and again of a technical character, having rapidly increased, the courts are becoming more and more powerless to deal with it. In any case 'judicial tribunals follow static legal principles and fail to apply them to dynamic political and social questions¹', so that Parliament is also delegating, and this is the point which is really germane to

¹Harold Laski: *Discretionary Power*. Politics, (1935), I.

our present consideration, judicial and quasi-judicial authority to the administrative bodies and individuals.

It will be clear that the delegation of judicial authority to administrative bodies militates against a fundamental principle of jurisprudence, that no person should be allowed to adjudge his own case; and yet the development of this practice in the modern conditions of life is inevitable. 'It is a natural reflection, in the sphere of constitutional law, of changes in our ideas of government, which have resulted from changes in political, social, and economic ideas and of changes in the circumstances of our lives which have resulted from scientific discoveries'. The problem, therefore, of public administration today is not to seek the abolition of delegated judicial authority, for that development is quite inherent and inevitable in the modern conditions of life, but to secure that, this delegated judicial authority will be exercised in the right manner, and this security is possible only by the conscious evolution of a systematised body of administrative law and the organisation of a competent system of administrative courts.

It is this device which has helped France to escape some of the hardships which England and France have had to encounter on account of the growing intervention and participation, in the modern times, of the state in social and economic life of the community and the consequent development of the system of delegation of judicial functions to government departments. Even the Committee on Ministers' Powers, which considered the whole question of delegated legislation and administrative adjudication in England, substantially conceded this.

2

But the Committee argued that 'this system (*i.e.* the French system of *droit administratif*) is wholly inapplicable to the United Kingdom with its flexible unwritten constitution, under which there is no clear-cut separation of powers, and where the administration is subject to the almost daily supervision of the courts of law²'. They supported their contentions by the conclusions of Dicey that although modern legislation had conferred upon Ministers and other servants of the Crown who might be influenced and guided by the Ministers, a considerable amount of judicial and quasi-judicial authority, nevertheless the fact that the ordinary law courts could deal with any actual or probable breach of the

² *Committee on Ministers' Powers*—Report, Cmd. 4060 (London, 1932), p. 5.

³ *Ibid.*, p. 111.

law committed by any servant of the Crown still preserved that Rule of Law which was fatal to the existence of the true *droit administratif*.⁴

We are not concerned in this analysis with the detailed criticism of this argument of the Committee; but we must point out that this argument presents an utterly false view of history. The rule of law, in the meaning in which Dicey explained that term,⁵ has not been true of the state of affairs in England, not at least during the past half-century, and in any case does not differ from the French system of administrative law in any really fundamental respect. 'The purpose of French administrative law is to determine what public authorities may do and what happens if they do something wrong. In England, we necessarily have rules for this purpose. This branch of law includes the law relating to the Civil Service, local government law, and the law relating to public utilities. This is English administrative law. It differs from the French administrative law in two respects only. In the first place, like every other branch of the law, it contains different rules. In England, a government department (the Ministry of Transport excepted) cannot be sued; in France it can be. In England and in France, the defence of the acts of state covers different cases, though the English doctrine appears to give less protection to the individual. All this means only that English law and French law are not the same; it does not mean that in England there is something benign called the Rule of Law, and in France there is something pernicious called *Droit Administratif*. In the second place, administrative law in England is applied by special administrative courts, while in France it is applied in the same courts. What profound difference that makes, we fail to understand.'⁶

3

It is thus obvious that administrative law is merely a branch of the ordinary law of the land; it is not anything antagonistic to it. And as for the organisation of separate administrative courts, it is merely a matter of convenience. The functions of administrative courts, as Dr. Jennings has pointed out,⁷ are

⁴ See A. V. Dicey: *Development of Administrative Law in England. Law Quarterly Review* (1915). XXXI, 148.

⁵ A. V. Dicey: *Law of the Constitution*, 8th edition, pp. 198-99. *Journal of Public Administration* (1932), X, 343.

⁶ W. I. Jennings: *Report on Ministers' Powers*.

⁷ *Ibid.*, p. 348.

usually only three: (i) to hear complaints that an administrative authority was exceeding its powers, (ii) to decide cases brought by individuals alleging that through a wrongful act committed by an administrative authority (*i.e.*, in excess of its powers) injury has been suffered, and (iii) to hear appeals from administrative decisions on points of law wherever they were allowed. These functions, today, are not non-existent; they exist and are actually exercised by the High Court of Justice. What the supporters of a regularised and rationalised system of administrative justice ask for is merely the institutionalisation of these already-existing judicial functions into a distinct and separate scheme of courts.

Their reasons for the establishment of a distinct system of adjudication by administrative courts are threefold:

(1) Administrative questions are now so technical that legal questions relating to them cannot be suitably handled by judges brought up in the spirit of the traditional common law of England, and ought therefore to be decided by a judge familiar with problems that administrative law is trying to solve.

(2) The present procedure of the High Court is unsuitable to its function in the control of administrative authorities, and the capacity of the High Court, as at present constituted, to evolve a simpler and more suitable procedure is extremely limited.

(3) The existing rules of interpretation and of liability are very antiquated and unsuited to the modern conditions of public administration, and new rules of interpretation and of liability in relation to the special problems of administrative law will be better and more conveniently developed in a separate scheme of administrative courts.

The force of all these three reasons was fully admitted by the Committee on Ministers' Powers. With regard to the first, the Committee recognise that there may be cases where a Special Appeals Tribunal is necessary.⁸ Further, they recommend that appeals on points of law should go to a single judge, and that 'the question of appropriating particular judges for such cases (on the lines of commercial and revenue cases) should be considered'.⁹ With regard to the second, the Committee agree that prerogative writs today are too expensive and in certain cases archaic, cumbrous, and too inelastic,¹⁰ and they recommend a reform in the procedure to the effect (a) that the time within which an appeal may be brought should be strictly limited, (b) that the appeal

⁸ *Committee on Ministers' Powers—Report*, p. 117.

⁹ *Ibid.*, p. 108.

¹⁰ *Ibid.*, p. 99.

should be determined in a summary manner, (c) that the appeal should be heard by a single judge, and (d) that his decision should as a rule, be final.¹¹ The third argument is admitted on all hands; the present rules of interpretation and the present conditions of liabilities of public authorities need great reforming and -changing. The Committee emphasised the need for passing a Crown Proceedings Bill¹² and recommended the necessity for liberally interpreting it.

All these individual recommendations need to be just pieced together in order to bring out the validity of the case for the distinct organisation of administrative court. An administrative judge within the High Court is an administrative court as surely as an administrative judge outside. All, therefore, that Dr. Jennings asks for¹³ is merely the separation of this administrative judge, applying his own rules of interpretation and liability, and his court being governed by new rules of procedure, from the rest of the High Court. He argues for separation only because he feels that 'if the administrative judge is effectively to develop this branch of law on the basis of reforms by Act of Parliament, he must be removed from the influence of some of those traditions of the common law which grew up before the development of our modern administrative system'.¹⁴

4

There was, however, another and a more specific aspect of administrative judicial function, the separate institutionalisation of which was suggested to the Committee by Dr. W. A. Robson. The Committee, no doubt, gave this suggestion fullest consideration, although the report unfortunately dismissed it rather too summarily as being inconsistent with the Sovereignty of Parliament and the Supremacy of Law.

Dr. Robson's suggestion was not concerned with the usual, we might say routine, functions of administrative courts. In the memorandum which he handed in to the Committee before his examination, he explained that in his view 'an administrative tribunal is the appropriate body for deciding questions in dispute (i) where a new policy of social improvement is being promoted,

¹¹ *Ibid.*, p. 117.

¹² *Ibid.*, p. 112,

¹³ See W. I. Jennings: *Report on Ministers' Powers*, *Journal Public Administration* (1932), X, 333.

¹⁴ *Ibid.*, p. 351.

(ii) where it is desired to create new standards rapidly in an unexplored field, (iii) where new and existing standards are to be applied or extended throughout the country, and consistency and coordination are required, (iv) where special knowledge and experience, or departmental information, are necessary for a good decision. Cheapness and speed are not sufficient justification for an administrative tribunal. Administrative jurisdiction should not extend to matters already dealt with by the Courts of Law.¹⁵

Dr. Robson's conception of the function of administrative courts can be clearly understood in the context of his thesis, and his thesis may be summarised in his own words:¹⁶

'The scope and character of government have changed enormously in the last fifty years. . . .

'These changes have led to a vast mass of judicial functions being exercised by Government departments to the exclusion of the ordinary courts of law. These functions are being exercised under conditions which embody neither the institutional safeguards of *droit administratif* nor the traditional safe-guards of English judicial practice.

'The field of activity in which the executive has acquired powers of a judicial character all relate to the newer and more positive functions of the state.

'It is undesirable to bring these functions under the jurisdiction of the ordinary courts, which on account, of their traditional lack of sympathy with the positive aims of modern government, and the absence of a body of public law and its appropriate concepts in English jurisprudence, are unsuited to act as tribunals of review in these newer fields of state activity.

'What is needed are newer forms of administrative authority. These should take form of a series of permanent administrative Tribunals established within each of the governmental departments, and consisting of members of the department specially nominated for the purpose by the Minister.'

'These tribunals would not exercise jurisdiction over matters already dealt with by the courts.'

'They would normally only deal with disputes in which one or both of the parties were public authorities and which related to the "service" function as opposed to the "regulatory" or "police" function of the state.'

¹⁵ See *Committee on Ministers' Powers—Minutes of Evidence*, Vol. II, p. 53.

¹⁶ For this summary I am indebted to Mr. A. Suzman. *Vide Iowa Law Review* (1933), XVIII, pp. 180-1.

‘Ministerial control over the work of the tribunals would be strictly limited to directions as to principles to be followed, and these should be set out in a published “Letter of Reference.”

‘These tribunals would give reasons for their decisions; but technically they would merely advise the Minister, who would make and be responsible for the decision . . .

‘In important cases an appeal would lie to a higher Administrative Appeal Tribunal.’

It will be clear that Dr. Robson was not primarily thinking of the appellate aspect of administrative adjudication. He was merely seeking, by the carving of judicial tribunals out of the various government departments, to institutionalise the judicial functions at present being exercised by ‘that vast anonymity,’ the civil service. Regarding the appellate aspect of his scheme, his proposals are open to certain obvious defects.¹⁷ Firstly, he has proposed the creation of two parallel judicial systems but has not clearly defined the mutual relationship between the two, or even the limits of their respective jurisdictions: for the distinction between ‘control’ and ‘service’ functions affords little more than a very rough guide. Secondly, his proposal of an Administrative Appeal Court, as Sir Maurice Gwyer pointed out, is antagonistic to the principle of ministerial responsibility: ‘an administrative decision cannot be wrong—in the legal sense. If it is thought to be wrong from the policy point of view, it can at once be raised in Parliament. An Administrative Court of Appeal would be trenching on the functions of Parliament’.¹⁸ These defects could be removed by the avoidance of a dual system of courts altogether, by the creation for appellate purposes instead of an Administrative Appeal Court, of ‘specialised courts of law,’ consisting of a Judge—administrative Judge—of the High Court as President and one or two experts appointed for their appropriate specialised knowledge. Such courts could be created either without, as Dr. Jennings demands, or even within, as the Committee is disposed to feel, the framework of the existing system; and in either case they will enable the fusing together of the high traditions of judiciary with the specialised knowledge of the expert.

The importance and validity of Dr. Robson’s suggestion, however, is quite apart from these defects. With reference to

¹⁷ See also A. Suzman: *Administrative Law in England—a study of the Report of Committee on Ministers’ Powers*, *Iowa Law Review* (1933), XVIII, 160.

¹⁸ See *Committee on Ministers’ Powers—Minutes of Evidence*, vol. II, p. 30, Q. 433 and 438.

Dr. Robson's suggestion, the Committee says in its report that 'a regularised system of administrative courts and administrative law, such as Dr. Robson proposes, would involve the abolition of both the supervisory and the appellate jurisdiction of the High Court in matters pertaining to administration. . . . and would result in the withdrawal to a great extent of those judicial activities, which are inseparable from administration, from the influence of public opinion.'¹⁹ But in view of what we conceive to be the nature of Dr. Robson's scheme, we find it a little hard to appreciate the verdict of the Committee. Dr. Robson's scheme, apart from the proposal for Administrative Appeal Court which we have criticised above, does not in the least disturb the present system of administrative adjudication, and therefore does not involve either the abolition of the supervisory jurisdiction of the High Court or the withdrawal of administrative judicial activities from the influence of public opinion. It simply institutionalises administrative judicial functions which are at present performed in a 'hole and corner' fashion²⁰ by the various government departments, and therefore secures in our judgment a very desirable form of guarantee of the operation of the due process of law in that sphere of administrative justice.

5

Dr. Robson's scheme, therefore, apart from the proposal of Administrative Appeal Court, affords a very good complement to Dr. Jennings's proposal. If there could be organised in England, within each of the various government departments, a series of permanent administrative tribunals, consisting of members of the department especially nominated for the purpose by the Minister and giving their decisions in a reasoned form, and if these permanent administrative tribunals could be brought under some form of a supervisory and appellate jurisdiction of the 'administrative justice' branch of the High Court, which should preferably be organised as a separate court in view of Dr. Jennings's arguments, the problem of administrative adjudication in England can, we believe, be effectively solved, in complete conformity and coherence with the existing system of English law and within broadly the framework of the existing system of English courts.

¹⁹ *Committee on Ministers' Powers—Report*, p. 110.

²⁰ See Lord Hewart: *New Despotism* (Benn, 1929), p. 48.

CURRENT COMMENTS ON INTERNATIONAL LAW

BY

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It is difficult to write dispassionately of any branch of international law, when ruthless aggression and remorseless exhibition of brute-force are stalking abroad in Europe. When violations of international law are proceeding at a giddy pace from all round, a static approach hardly appears well-timed. Current comments in an *objective* view on typical incidents having a bearing on international law may be of some value to students of politics and law.

1. THE U.S.A. NEUTRALITY LAW OF 1939.

In particular since 1935, U.S.A. has adopted the view that its neutrality could best be preserved in future wars by "the relinquishment of certain neutral rights which Americans had traditionally and vigorously maintained."¹ An important part of the decision was the adoption of the embargo on arms, ammunitions, and implements of war.

1. The Neutrality Act of 1939 modifies the 1937 law in two respects:—(1) The power to find that a state of war exists is vested not merely in the President as in the former legislation but also in the Congress acting "by concurrent resolution;"

(2) The finding must include the conclusion that "it is necessary to promote the security or preserve the peace of the United States."

2. Eliminates the arms embargo. The new law, according to Philip C. Jessup, contains no absolute prohibition on the export of any article. Exports are restricted by three types of controls:—(a) the nationality of the carrier, (b) the terms of sale and (c) the destination.

¹ *American Journal of International Law*, Vol. 34, p. 95.

2. THE *Altmark* INCIDENT.

An incident which attracted wide notice was provided by the German steamer, the *Altmark*. The facts connected with the *Altmark* incident might now be taken to be beyond dispute. On February 14th 1940, a German steamer, the *Altmark*, entered Norway's territorial waters with the intention of skirting the Norwegian and Swedish Coasts, until she reached a German port. She had on board some 300 British Seamen taken from vessels captured and sunk by the German battle-Cruiser, *Admiral Graf Von Spee*. The *Altmark* formerly a merchant-tanker 'but now a Naval Auxiliary flying the German Official Service flag had sailed from the South Atlantic to the Coast of Norway. She was accosted by a Norwegian torpedo boat shortly after entering Norway's territorial waters. She was apparently armed with "two pom-poms and four machine guns,"² but these, the Norwegian Foreign Minister reported, had been dismounted before the ship entered territorial waters. In response to a question, the Captain of the *Altmark* replied untruly that she was on her way from Port Arthur—Texas,—to Germany. Some distance further South, the *Altmark* was again hailed by another Norwegian torpedo boat and questioned whether there were any persons on board belonging to the armed forces or the merchant-marine of any belligerent country. To this query, the Captain of the *Altmark* answered "no." A little further on, the *Altmark* was again hailed by a Norwegian warship North of Bergen. The Captain this time refused to have his ship searched on the ground that she had already been visited. On the evening of 16th, British aeroplanes having communicated her presence to British destroyers, she was forced into Joessing Fjord by the British destroyer, *Cossack*, apparently over the protest of the two Norwegian war-vessels and the 300 old captives were removed and taken to England.³

On these facts, the question emerges, did Norway observe her neutral duties? Art. 10. of the Hague Convention XIII (1907) runs as follows:—"The neutrality of a power is not affected by the mere passage through its territorial waters of warships or prizes belonging to belligerents." Most States including Norway have given warships the privilege of passing through territorial waters.

² *Bulletin of International News*: Chatham House, March 9, 1940. p. 227.

³ For a discussion of the Incident *vide*, *A.J.I.L.*, Vol. 34, pp. 289—294,

A few precedents fall to be examined at this stage. During the Crimean War Attorney General Curbing in an exhaustive opinion held that a United States' Court had no power to release the Captive Sea-men on board the *Sitka* brought into San Francisco as a prize by a British man of war.

In the Franco-Prussian war, a French War-Vessel entered the Firth of Forth with German prisoners on board, whereupon the German Consul at Lefth appealed to Great Britain to release the prisoners in accordance with Britain's alleged neutral duty. The British Government replied that the French warship was privileged to enter and to remain for a limited time, that the prisoners on board did not become free and that while on board they were under French jurisdiction and that the neutral authorities had no right to interfere with them.

In this dispassionate view one has to agree with Professor Edwin Borchard that "greatly as one may sympathise with the irresistible temptation of the British destroyer to release the Captives of the *Altmark*, it is not easy to perceive any violation on Norway's part of her neutral duties."⁴

The following statement of the Norwegian Minister in London (Feb. 25, 1940) correctly sums up the view in International Law:—"When it is stressed from the British side that the prisoners had been badly treated and that Norway ought from humanitarian considerations to have taken note of this, the Norwegian Government can only say that they understand the British feelings, but that a neutral state must base its actions in disputes among belligerents only on positive stipulations in treaties or international law."

3. VIOLATIONS OF NEUTRAL AIRSPACES

Though official basis is lacking, a possible view of putting a *vertical* limit to the Sovereignty of air (Say, based on the range of anti-aircraft guns), has to be repelled as being fundamentally opposed to the International Convention for Aerial navigation (1919). France and Germany offered redress to Switzerland during the War (1914—18) when they had violated neutral air space.⁵

⁴ *A.J.I.L.* Vol. 34, p. 294.

⁵ French bombardment of the Swiss town of Porrentruy (April 26, 1917), and German bombing of *Chaur-de-Fonde* (Oct. 17, 1915).

In the present struggle, the European neutrals send up their own air-craft to actively contest the passage of belligerent planes. On Nov. 20, 1939, a German military plane flying along the Roer river near Roermond in the Netherlands was brought down by pursuit planes of the Netherlands, the pilot being killed in the crash. It is bare truth and sound law to lay down that "the technical advances made in the art of flying and the increasingly deadly character of bombs and other weapons carried aboard air-craft in war, have made impossible the recognition of any vertical limit to the Sovereignty of the subjacent state."⁶

4. INTERFERENCE WITH NEUTRAL MAILS.

Renewed interest has been added to the "supreme right of the war-maker to interfere with neutral rights by the protest of U. S. A. delivered to the British Foreign Office on January 6, 1940 against interference with the mails of the United States. Art. I of XI Hague Convention (1907) runs thus:—"The Postal Correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship is inviolable. If the ship is detained, the Correspondence is forwarded by the Captor with the least possible delay."⁷ In the note (January 6, 1940) the United States "readily admits the right of the British Government to Censor private mails originating in or destined to the United Kingdom or private mails which normally pass *through* the United Kingdom for transmission to their final destination. It cannot admit the right of the British authorities to interfere with American Mails on American or other neutral ships on the high seas nor can it admit the right of the British Government to censor mails on ships which have involuntarily entered British ports." The British in their note published on January 20, 1940, rejoined that it was in accord with international law for belligerents "to prevent intelligence reaching the enemy which might assist them in hostile operations" and that the Germans were using letter post to transmit military intelligence and to promote Sabotage. The British Government's assurance that it will forward "innocent mails" rapidly has ended the dispute.

⁶ *A. J. I. L.* Vol, 34, p, 107,

⁷ Vide also *The Carthage*: J. B. Scott *The Hague Court Reports* (New York), 1916, p. 335.

**DEVELOPMENTS IN LAW, CONSTITUTION
AND ADMINISTRATION: PERIODICAL SURVEYS**

**EVOLUTION AND WORKING OF THE GOVERNMENT
IN TRAVANCORE.***

BY

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1. PHYSICAL FEATURES.

Travancore (Sanskrit: *Srivardhnanapuri*, the place of growing prosperity)—is the most important of the Madras States and it stretches between the hills and the sea down to Cape Comorin—the apex of the Indian triangle. It is bounded on the North by the State of Cochin and the British District of Coimbatore, and on the East by the Districts of Madura, Ramnad and Tinnevely. On the west and south, lie the Arabian Sea and the Indian Ocean. It has an area of 7625 square miles, its extreme length being 174 miles and the extreme width, 75 miles. Extremes of temperature are unknown, the prevailing characteristic being a warm humidity. The Raintall is generally heavy, averaging about 89" per annum. The State reserved forests cover nearly $\frac{1}{3}$ of the entire area. Rice, fish and tapioca form the staple food of the people. It is essentially an agricultural country. The population of the State according to the 1931 census is 5,095,973 (males 2,565,073—females 2,530,900) of which nearly half are females. This figure is an increase of about 27 per cent over that of the 1921 census. The average density was 668 persons per square mile. Hinduism, the religion of the Ruling Family is also the predominant religion, and its followers constitute nearly $\frac{2}{3}$ of the entire population. Christians of all denominations, represent nearly $\frac{1}{3}$ and Muslims nearly $\frac{1}{14}$. Travancore occupies in area the 19th place among Indian States, and in population, the 3rd place.

¹ A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

2. HISTORICAL SKETCH

Like the history of ancient India, the early history of Travancore also, is to a large extent shrouded in tradition. But enough proof is available to show that the Ruling House of Travancore traces its descent, direct and unbroken, from the old Chera Kings of Southern India. The Maharaja is the representative of the Chera Dynasty, one of the three great Hindu Dynasties then exercising sovereignty in Southern India, which are referred to as independent in the Asokan Edicts of the 3rd Century B. C. Travancore as a separate entity did not exist, however. The territory now comprised in Travancore consisted of some 4 or 5 separate and independent states, among them being, the present Attingal, Venad and Desinganad. These were the more important and it was with these small principalities that the English, the Dutch and the Portuguese first had trade and diplomatic relations. The English managed to obtain the place called Anjengo on a grant, from the Queen of Attingal, where they settled in 1684. Incidentally, this is still under the British. In the year 1729, however, the first step was taken towards the consolidation of the various petty states, by Maharaja Marthanda Varma, the son of the Queen of Attingal, who in 1729, became the Adhipati of Venad—another of the small states. For over a century the Feudal chieftains in ancient Travancore had resisted the power of the Rajas, but they could no longer hold against the power and might of Marthanda Varma who succeeded in crushing them. Thereafter, he grew in power and strength and proceeded on a campaign of conquest which ended only in 1758, when his brilliant career came to an end with his death. By this time however, practically the whole of modern Travancore had come under his sway. He established order, settled the country and then took step of dedicating the state to the tutelary deity of his house, Sri Padmanabha. He then ruled the state as “Padmanabha Dasa,” as the servant of Lord Padmanabha. His successors, Rajas or Ranis of Travancore have ruled the state, ever since, as “Dasas” or “Sevinis” of the Deity—a title still borne by the rulers of Travancore. Marthanda Varma entered into an alliance with the East India Company and rendered them military aid in the wars in which the company were engaged in the 18th century.

Travancore has since been reckoned as one of the staunchest allies of the British. In 1795, the East India Company concluded a treaty with the state, assuring protection from all foreign enemies. A new treaty was signed in 1805, and an annual

payment of Rs. 800,000 was to be made by the State for a British Subsidiary force. "Since then, the history of the state has been one of steady development and well-ordered progress under a succession of able and enlightened rulers."

3. THE EXECUTIVE

The Ruler.

The Ruler of Travancore is the source of all authority Judicial, administrative and legislative. Kingship in Travancore has been unique with its traditions of liberty, Catholicity and adaptability. The Maharaja still remains the head of the executive, and the government of the country is conducted in the name and under the control of the Maharaja. The commands of the Ruler are always issued in the form of proclamations under Sign Manual. But except for purposes of legislation and the conduct of important ceremonies of the state, the Ruler rarely issues such direct commands in matters affecting the public administration. We note here, the all-important fact, *viz.*, that the technical autocracy of the ruler is modified, in practice, by the presence of certain other realities which we have to take into consideration now.

These realities mainly take the form of a Dewan or Minister, assisted by a Secretariat and public service, and a legislature which is the machinery of consultation and discussion. Experience has shown that the Ruler in Travancore is a constitutional Monarch; even as the King of England, though it has to be admitted at the same time that the *de facto* rulership does not rest in the people as it does in England. All that can be said without the least exaggeration is that while the Maharaja is the *de jure* ruler, the Maharaja 'with his government' constitute together the *de facto* ruler of the State. This is important. By Government, I mean, apart from the ruler himself, the Chief Executive Officer *viz.*, the Dewan, the Secretariat, the several departments running the administration, and last, but not least, the legislature also. And the Government in Travancore, constituting as it does all the above factors, is responsive to the people, if not actually responsible. Thus, we see that these self-imposed checks on his absolutism have made the Maharaja in Travancore what he is—a ruler of the people. Nevertheless, it would be a mistake to presume that the Maharaja is a mere figure-head. Far from it. On the other hand, we should say, he is still a *living* force. But personal monarchy so regulated and limited can be efficient and even liberal, and I hope, I shall be able to show when I have concluded this Survey

that the Government in Travancore is not only remarkably efficient and liberal, but also to an increasing degree responsive to the wishes of the people.

The Dewan.

We now come to the Dewan who, next to the Maharaja, is the most powerful and exalted dignitary of the State. The Dewan is appointed by a *Neet* or Commission under Sign Manual. The position of the Dewan is in a sense, peculiar. All power is concentrated in him and he is so to say, the intermediary between the Maharaja and the subjects. He is the president of both the Chambers of Legislature—The legislative Council and the popular Assembly, presides at their meetings and conducts the entire proceedings. He is the Chief spokesman on the Government side. As the Chief Executive Officer of the State, he heads the whole administration. He is assisted by a well organised Secretariat and a public service both working more or less on British Indian lines. Formerly, the decisions of the Government were issued over the signature of the Dewan, but recently, these have been issued by the Chief Secretary to Government in the form of orders, proceedings or letters.

The Dewan in short, is like a Prime Minister in a democratic state, except for the fact—and this is an important reservation—that he is appointed by and is responsible to, not the people or their representatives, but the Maharaja alone. His tenure also depends on the will and pleasure of the Maharaja. While it is a fact that the Maharaja has been gradually dissociating himself from the day-to-day administration of the state, and has become in effect, a constitutional monarch for all practical purposes, all these powers seem to have devolved, not on the people or the legislature mostly as we would have expected it, but on the Dewan who can be said to rule the state on behalf of the Maharaja.

Chief Secretary.

The Dewan is assisted by a Secretariat and a public service. At the head of the Secretariat is the Chief Secretary, who in recent times, has been given wide powers. It is he who issues the decisions of the Government. All administrative proposals go through his hands. Naturally, he is also the channel of communication between the Secretariat and the various departments. He is a very real functionary and occupies a very distinguished office next only to the Dewan.

Secretariat.

The Secretariat in Travancore, is run on exceptionally efficient lines and is not a whit behind the secretariates in the British Indian provinces. It has been reorganised recently after the advent of the present Dewan and its working is both smooth and simple. The secretariat is manned by several Cadres of Assistant secretaries and clerks, all under the Chief Secretary.

Public Service.

It was only recently that a Travancore Civil Service was organised and the first competitive examination held on the I.C.S. lines. Uptill now, recruitment was made by a Public Service Commission, on a basis of Communal representation. A communal ratio has been evolved and has been followed when making appointments to the various departments. On the whole, this has worked smoothly enough to the satisfaction of most of the important Communities.

4. THE DEPARTMENTS OF ADMINISTRATION

The working of the various departments of Government gives us a glimpse of the actual working of the constitution in practice. It is not possible in a short sketch like the present one to go into the details of the organisation and working of the several departments. Nevertheless, it would serve our purpose to look into some of the more important of them.

Land Revenue and Income-tax.

The Head of the department is the Land Revenue Commissioner, with several grades of Tahsildars to assist him. Certain appellate and revisional powers under the Land Revenue Regulations have devolved on him from the Dewan. There is a definite fixity of land rights. There are two kinds of land—"Pandara-vaka" and "Jenmam." In the case of the former, the tax due is really rent. The latter are either entirely tax-free or are subject to payment of "Rajabhogam" or King's due only. These are in short, the principles of taxation. There have been many Revenue Settlements in the State. The classification of Tenures has been done and the method of assessment fixed. All taxation in kind has been abolished and money payments substituted. Coercive actions have decreased year by year though the number of revenue cases have begun to mount up. Waste lands under the Government have been slowly disposed of, thus bringing in additional revenue. Similarly, lands have been assigned to the land-

less depressed classes. Agricultural loans have also been given in deserving cases. On the whole, the department has been doing good work for the masses of the land, who as elsewhere in India, are mostly small agriculturists. The Land Revenue Agency has been utilised for income-tax work also. The net income under Income-tax has risen from year to year, mostly due to increased vigilance of the department. The taxes on income incidentally, are among the lowest in India.

Agriculture, Fisheries, Industries, and Co-operation.

The Agricultural department has been steadily growing in scope. A staff of specialists are carrying on researches and experiments on various aspects of agricultural development. There is a Research Laboratory for the purpose. Useful propaganda is being done by means of demonstration and experimental forms in various parts of the state for improving the crops. Cattle farms are conducted by Government for improving the breed of cattle, and there are also agricultural schools. Soil survey and manurial experiments have also been conducted by the Department. The state has secured representation on the Imperial council of Agricultural Research. The Veterinary Department gives free medical treatment to animals. The fisheries department controls the inland fisheries and deals with the development of fish industries. Fish curing yards have been established for the proper preservation of fish; and subsidiary occupations like Poultry-farming and Agriculture, are encouraged. The Industries department has been doing equally useful work. It is conducting a number of technical schools in Textiles, Carpentry, Smithery, Commerce etc. There is an Industrial Research Laboratory. The receipts from this department are mainly spent on the many schemes which the department have undertaken. There are several kinds of co-operative, societies all registered. Some do purely credit business, some are weaving societies, some are banking unions, some distributive societies. A few are mere supervising unions, while a few combine credit with production and sale. Members are agriculturists as well as non-agriculturists.

There are many women members also. The reserve funds of the societies show the financial progress of the Co-operative movement. At the apex of the whole structure is the Central Co-operative Banks, under which are the Taluk and Urban Banks. The report of the co-operative Enquiry Commission shows that the movement has been to a large extent a success, though it has had many ups and downs in the course of its chequered history.

Medical and Public Health.

Allopathic medicine was first introduced in the state as far back as 1811 A.D. The first hospital was opened in 1817, and since then the department has gradually developed. There are about 100 Hospitals and Dispensaries in the state and the department maintains a qualified staff of surgeons and physicians. Among the special medical institutions are Women's and Children's hospitals, ophthalmic hospitals, Hospitals for Mental and Chronic diseases, Leper colony, etc. The policy of the Government has been to give free medical aid and free supply of medicine to the public in all the institutions maintained by the Government. There are also grant-in-aid institutions. Nursing, midwifery and Child welfare classes are held by the Department and examinations are conducted. Besides the Science of Allopathy, *Ayurveda* is also encouraged by the state and there is a separate department for the purpose. There are Ayurvedic hospitals and dispensaries and also an Ayurvedic College which conducts a 5 years course of Ayurvedic medicine. There is also a separate Public Health department under which come the registration of Vital statistics, Epidemiology, Vaccination, plague and mosquito control, Malarial survey, Rural sanitation, Health propaganda, etc. All these departments have always co-ordinated their activities and contributed a great deal towards the physical well-being of the people.

Public Instruction.

We now come to the department of Education which in more senses than one, is the most important of all and which has made Travancore one of the most advanced states in India today. The pioneers of English education in the state, were the Christian Missionaries who were substantially aided by the Government to establish schools. The first Government English School was started in 1834. Education in Travancore is divided into three branches—Vernacular schools, English Schools and Colleges including professional colleges like Teachers' Training, Law and Engineering. A University for Travancore has also been recently constituted. Primary education is free throughout the state. Co-education has been adopted as the departmental policy for all primary schools except those for Muslim girls. Co-education is permitted in the higher classes also where separate schools do not exist. There are many private Schools also. Hindustani has been made an optional subject; and many schools in the state have organised Hindi Classes. Let me quote here *the Administration Report of the State*: "In the matter of education the government have always pursued a liberal and progressive policy and the

remarkable advance in education made during the past few decades has been due to their sedulous and fostering care. Travancore now stands in the forefront of educated India." The Government are now spending nearly 50 lakhs or nearly 25% of the state Revenue on Education. To sum up: "The importance of primary education has been realized and everything practicable is being done to make it universal." Education of backward communities has been systematically encouraged by the grant of special facilities. Professional and technical education is also encouraged. Female literacy is very high.

5. THE LEGISLATURE

History.

The first thing to remember in this connection is the fact that the state was the first in India to have a Legislative Council. As early as 1888, there was a Council of 5-8 members of whom 2 were non-officials nominated by the Government. Nevertheless, the Ruler was Supreme as hitherto, in matters of Legislation—assisted of course by the Dewan. The council was purely a deliberative body and had no administrative functions. Before a measure could pass into law, it was subject to the Ruler's assent. Another thing, any member introducing a measure affecting the public revenues of the state, had to get the previous sanction of the Dewan.

This Council was enlarged in 1898, with a higher proportion of non-official members. The council was prohibited from discussing matters connected with the Royal family or the relation, with the paramount power.

The council was remodelled in 1919, when for the first time the right to elect members to the council was granted to the people. The strength was raised and there was a bare official majority. The Franchise was fairly broad-based and there was a limited right of interpellation and discussion of the annual Budget. It retained all the old powers of Legislation; but it could not alter its own constitution. Moreover, the prerogative of the Ruler to legislate independently of the council was expressly affirmed.

In 1921 the Council was again enlarged with an elected majority of members. The Dewan was the president of the Council, but provision was also made for a non-official Deputy president. The Council by this time had powers of voting the Budget as well, besides moving resolutions and asking questions. During the Budget debate, "token cuts" were freely moved to discuss and criticize Government measures and policies. The

powers of certification to refuse or reduce Budget demands was reserved for the Ruler, but this power has never been exercised.

Franchise.

All persons who paid an annual land-tax of Rs. 5/- or a Municipal tax of Rs. 3/- or professional tax to a municipality or income-tax to government and all graduates was eligible to vote in the general constituencies provided they were not under 21 years of age. Besides, there were special constituencies also like planters, commerce, industry, jenmies, etc. Women had complete equality with men both as regards Franchise and membership. The introduction of certain measures required the previous sanction of the Dewan.

Assembly.

Apart from the council, an Assembly called *the Sri Mulam* Popular Assembly was also constituted by the late Highness. It consisted of 100 members, all non-officials, 77 of whom were elected by general and special constituencies, the remaining 23 being nominated by the Government. Every person who paid an annual land revenue of not less than Rs. 50/- or whose net income was not less than Rs. 2000/- and every graduate of not less than 10 years standing was given the privilege of election. The Assembly met once every year and the session was opened with an address by the Dewan. The members then made their representations on the subjects which they had notified and the Dewan replied in the name and on behalf of the Government. In all, 28 sessions of the Assembly were held till 1932 when it ceased to exist in its old form with the promulgation of fresh legislative reforms in 1932. The Assembly had also the right to recommend a few non-official members for appointment to the Council. The working of the Assembly has proved to be a great boon to the people. It has given them a much-needed opportunity of expressing their wants and wishes directly to the government and of representing their views on administrative measures adopted by the Government from time to time.

Reform of 1932.

We now come to modern times. With the proclamation by the Maharaja on 2nd October, 1932, of the Legislative Reforms Regulation, we enter a new era of legislative history in the state. About the main features of this Regulation, I cannot do better than quote *the Administration Reports* on the point: "The

constitution of bi-cameral legislature with wide powers, *viz.*, the Travancore *Sri Mulam* Assembly and the Travancore *Sri Chitra* State Council. The Assembly consists of seventy-two members, of whom sixty-two are non-officials and ten officials. The non-officials form 8 per cent. of the number of members. Forty-three non-official members are elected by general territorial constituencies and five by special constituencies representing commerce, planters and jenmies. Fourteen non-official seats are reserved for nomination by the Government in order to give representation to minority communities and other inadequately represented interests. The Dewan is the President of the Assembly but a Deputy President elected by the Assembly is appointed to preside at meetings in the absence of the President. Provision is also made for the nomination of a panel of chairmen"

Council.

"The State Council is composed of thirty-seven members, of whom, twenty-seven or 73 per cent are non-officials and ten officials. Sixteen non-official members represent the general territorial constituencies, and six members are elected by special interests such as commerce, jenmies, planters, municipalities and political pensioners. Five non-officials are nominated by the Government. The Dewan is the President of the Council also. A panel of chairmen is also nominated."

Franchise.

"The equality of women with men in the matter of voting and of membership in regard to both Chambers is maintained. All persons who are registered holders, inamdars, tenants or kudiyaans of land the annual value of which is not less than rupees five, persons who are assessed in a municipality to land or building tax of not less than Re. 1 or to profession tax of any amount, persons who are assessed to income-tax, all graduates of recognised universities in the British Empire who are not undergoing a course of instruction in a recognised institution and all discharged, retired or pensioned military officers of the Nayar Brigade or of His Majesty's Army or Navy, residing in Travancore, are eligible for the exercise of the franchise in the general constituencies of the Assembly, provided they are not under twenty-one years of age."

"The franchise for the State Council follows mainly the heads of qualifications for that relating to the Assembly but is fixed upon a higher standard. The property qualification is fixed

at the payment of an annual land tax of Rs. 25 or a municipal tax of Rs. 5, and the educational qualification is limited to graduates of ten years' standing. Those who earn a monthly pension of not less than one hundred rupees on retirement from Government service are also eligible to vote in the general constituencies. Persons below the age of thirty are not eligible as voters or candidates to the State Council".

Powers.

"Both Houses of the legislature have the right to initiate and pass legislation, to discuss the annual budget and to ask questions and move resolutions on matters of general public interest. All Legislative measures generally require the assent of both Chambers before they can be passed into law. The new legislature not only retains all the old powers of legislation but is also free to consider many matters which were not open to discussion before. Measures affecting the Ruling Family, the relations with the Paramount Powers and the provisions of the Legislative Reforms Regulation are removed from the cognisance of the legislature. The old provisions relating to the emergency powers of legislation and other powers vested in the Dewan and the Ruler's prerogative to legislate independently of the legislature are retained. The budget is presented to both Houses. The Assembly has a larger control than the State Council over finance, since the Assembly has the right to reduce or omit the grants forming part of a demand, while the State Council has to deal with each demand as a whole and is not entitled to move for reduction of the grant or any items of the grant comprising the demand. Provision is made for the constitution of Joint Committees comprised of an equal number of members from both Chambers to settle any difference of opinion arising between the two Chambers. A public Accounts Committee is newly constituted to deal with the audit and appropriation of the accounts of Government. The right of asking supplementary questions is extended to all members and is not restricted to the member asking the question. The constitutional reforms introduced during the year form a substantial advance in the devolution of powers on the representatives of the people, in the best interests of the State."

Working.

I shall now try to give in a few points a summary of its working:—

1. Official Bills have taken most of the time of the legislature. But days set apart for non-official busi-

ness have been fully utilized by the members. Many useful measures—legal, agricultural, religious and Social have been passed with the full co-operation and sympathy of the Government and placed on the statute book.

2. The Budgets presented to the Chambers annually have been thoroughly discussed and criticised. Token cuts have been moved and passed and these have been accepted by the Government in a large number of cases. The power of certification does not seem to have been used at all. I say this, subject to correction.
3. Full advantage has been taken by the members of the provisions relating to interpellations, resolution and adjournment motions. The Government seem to have taken an attitude of general sympathy and responsiveness in this matter.
4. The provision as regards Joint Committees of both Houses in case of disagreement has also been used in a few cases since the inauguration of the new legislature and in all these cases it has led to complete agreement between the two Houses.
5. Speeches made in both the Houses have showed that the members possess complete freedom of speech inside the Houses and this toleration in practice on the part of the Government has gone a long way to inspire public confidence in the sincerity and integrity of the government.

6. THE JUDICIARY.

Structure.

Having finished first the Executive and then the Legislature, we have now to consider the Judiciary. There is not much to say about this facet of the governmental structure, nor do the confines of this short paper allows me to discuss it at any great length. We shall first take up the structure, and then the working.

1. High Court.

The apex of the Judicial structure is the High Court. This is the highest Civil and Criminal Court in the land and has the power of adjudication over suits of the highest value and criminal cases

of the most serious nature, although its decisions in some important civil and criminal cases—such as decrees in suits to the value of Rs. 5000 and above and capital and life sentences—are subject to confirmation by the Ruler. The High Court has no original jurisdiction. But in appeals, questions of fact as well as of law are adjudicated upon.

2. District & Sessions Courts.

Below the High Court are the District and Sessions Courts. They are the highest courts of original jurisdiction in Civil and Criminal matters.

3. Munsiff's and V. P. Courts.

Next to these District and Sessions courts, we have the Munsiff's courts and the village panchayat courts for the trial of Civil Cases and Magistrate's courts, including Benches of Honorary Magistrates for the trial of Criminal cases. Munsiff's courts and village panchayat courts have only original jurisdiction. Suits tried by Village panchayat courts are of a small cause nature and the decisions are non-appealable although the District Courts have certain powers of revision. Similarly, Munsiff's court decisions are revisable only by the High Court if they are small cause suits. But in other cases, they are subject to regular appeals which lie either to the High Court or to the District Court according to the value of the suit.

Magistrates.

Magistrates are of 3 classes, some of whom are honorary. The District Magistrate is a Magistrate of the 1st class and under him are other magistrates of the 1st, 2nd and 3rd classes. The 2nd and 3rd class Magistrates have only original jurisdiction, while 1st class Magistrates including District Magistrates have original as well as appellate jurisdiction. The appellate authority over 2nd and 3rd class Magistrates is the District Magistrate and if specially authorized, any other 1st class Magistrate. The appellate authority over 1st class Magistrates including the District Magistrate, is the Sessions Court. District and certain 1st class Magistrates are Land Revenue Officers as well.

4. For European British subjects there are special Magistrates who exercise original jurisdiction and a special Appellate judge who has revisionary powers also. The High Court has no Jurisdiction in these cases:—

Recruitment.

Such in short is the judicial system of the state. The entire judiciary is recruited from the bar or the public service. High Court judges are appointed by the Ruler and District Judges and Munsiffs are appointed by the Government in consultation with the High Court. They have ample security of service. They are all graduates in Arts and Law or are Barristers.

Independence.

As regards the independence of the judiciary, let the *Government Administration report* speak for itself: "The courts are absolutely free from any sort of interference on the part of the executive authorities. Suits against the Government are of everyday occurrence and the government regard the final decision of the courts as binding on them and the courts are authorised by law to issue execution against the Government.

Working.

The long history of the criminal courts shows that the general tendency has been for the crimes to decrease; but this in a large measure is due to the all round advancement in education of the people of the state. Civil cases, however, have gone up by leaps and bounds, and this is the result of increased litigation consequent on the general economic depression prevailing for the last so many years. Law's delays, there have been, as elsewhere in India, but special measures have recently been taken to remedy this long-standing grievance and it is to be hoped that these will have a salutary effect.

7. FINANCES

In more senses than one, the finances are the crux of the problem. Only by learning to hold a bone correctly can one draw music from a violin. Similarly, it is the financial position and policy of the state that determines its status in the larger life of the country. As such, it is important that we should take a look—however superficial it may be—at the financial position of Travancore. Unfortunately, the exigencies of the situation, has prevented me from getting at the latest figures, but it would suit our purpose, quite as well, to take at random the year 1934-35 for which figures are available.

Revenue.

The Main Heads of Revenue are:—

1. *Land Revenue*:—(30.4 lakhs—13.4%).

The principles of Taxation have been touched upon when dealing with the Land Revenue department. This item of Revenue comes third in the list with 30.4 lakhs. Though it fluctuates from year to year, it rests upon a solid basis and hence it is reliable and fairly steady. The basis of land rights in the state seem to be very equitable and if the tenants are not prosperous and happy, it is due to other external causes which have got nothing to do with taxation. On the whole, the revenue from land is one of the mainstays of the finances of the State.

2. *Income-Tax*:—(5.2 Lakhs).

The Revenue under this head is comparatively very small viz., 5.2 lakhs. But this is an item which is gradually increasing in importance. Since the reorganisation of the Income-tax section of the Land Revenue Department, it has been showing greater efficiency in the assessment and collection of this tax, and as a result, the revenue has increased steadily from year to year. The collection of arrears has also been made more strict and assessment proceedings have been launched wherever necessary.

3. *Salt Revenue*:—(22.1 lakhs—9.7%).

The supervision and control over the manufacture of salt and the administration of salt revenue rest with the Excise Department. Salt, as in British India, is a Government monopoly. The necessary amount of salt is partly manufactured at the Government factories and partly imported from outside. The manufacture of salt in the factories is entrusted to licensees. The aim of the Government is to make the state self-sufficient in the matter of salt-supply and this seems to have been fairly achieved in recent times.

4. *Excise Revenue*:—(48 lakhs—21.1%).

The sources of Excise Revenue are:—

- (a) Manufacture and sale of country liquor.
- (b) Licenses from the sale of Toddy, country and foreign liquors.
- (c) From tobacco, opium and Ganja.

Formerly, there was what is known as the "Farming system" for the manufacture and sale of Toddy and Arrack in the whole state. But in recent times, the "Independent Shop System" has been brought into existence, under which the rights to vend toddy and Arrack are separated and sold by auction shop. The right of manufacture and vend of Toddy is with the shop-holder who pays a tax on every tree tapped. He can draw toddy only from trees licensed to him for the purpose, on payment of the prescribed tree-tax. As regards Arrack; the right of sale alone is granted; the right of manufacture being with the Government who engage a contractor for its manufacture and supply of arrack to the shopkeepers.

Abkari Policy.

The policy of the department and that of the Government has been to make it increasingly difficult for the consumer to obtain liquor. The reduction in the number of shops; the enhancement of liquor duties and the adoption of other restrictive measures are the forces tending to control consumption. As a result, the number of country liquor shops have come down year by year.

The independent shop system has also been introduced for the sale of opium and Ganja throughout the state. Both articles are being issued to vend contractors from the Central Stores at Trivandrum by the Department.

Tobacco required for consumption is imported by merchants on their own account by land, sea or rail and bonded in the Government warehouses where it remains in the joint custody of the Government and the merchants. After paying the import duty; the merchants remove the stuff for sale. There are several kinds of licensing systems prevailing in the State. Due to the economic depression there has been a fall in consumption in recent times.

The Excise revenue, though it has been fluctuating from year to year, has always been the biggest item on the revenue side of the Budget. It contributes nearly 25% of the whole Revenue of the state and as such has played and is playing a most important role in the shaping of the Annual Budget.

5. *Customs Revenue*:—(42·5 Lakhs—18·7%).

Inter-portal Convention 1865.

Before the conclusion of the Inter-portal Trade Convention of 1865 the Travancore Government was free to levy its own rates

of import and export duties on goods entering or leaving her frontiers. But under the above Agreement, Travancore surrendered her right to levy import duties on foreign goods entering the state after having paid duty in British India or Cochin or which are the manufacture or produce of British India or Cochin. She now admits free of duty all such goods subject to certain exceptions. The British Government has however, agreed to compensate her to the extent of the probable loss sustained by her on this account. Such loss is calculated in practice, on the basis of the figures for 1863-64. The Travancore Government has also agreed under the convention to adopt the British Indian tariff in respect of imports direct through her own ports; except in the case of certain specified articles. Tobacco, salt, opium and spirits are excluded from the convention.

Exports.

As regards exports, the state is still free to levy duty on any commodity, subject to certain conditions agreed to under the above convention. The most important articles on which export duty is now levied are—Copra, Coir, Coconuts and coconut-oil, tea, pepper, dry ginger, jaggery, salt fish, arecanuts and tamarind. The revenue is collected at the land and sea customs houses. The bulk of the import duty is generally realised from tobacco while the major part of the export duty is usually realised from the produce of the Coconut tree.

Excise duty on matches also comes under customs revenue. Altogether the customs revenue is second on the list with nearly 19%.

6. Forest Revenue:—(13·5 lakhs—5·9%).

There are many valuable forests in the state. The 'monopoly' trees are teak, blackwood, ebony and sandalwood. The Government, though it has been following a policy of reservation of forest areas for many years, in the interests of revenue is now refraining from further reservation of extensive areas in the interests of cultivation and to meet the increasing pressure of population. The protection of timber has also been steadily pursued and the services of Dr. Kamesam, wood-preservative expert have been availed of for the purpose of "Ascu" treatment of timber. This is nevertheless a minor head of Revenue.

7. Stamps:—(22·6 lakhs—10%).

This brings in a good slice of revenue. The stamps are printed at the Stamp Manufactory and are issued from the Central

Stamp Depot, to the several branch and local depots for sale.

Other Heads of Revenue.

These are the more important heads of revenue in the Budget. Other items include:—Registration 4·9 lakhs—(2·2%), Interest—14·1 lakhs (6·2%), Education—8·1 lakhs (3·6%), P.W.D. and *Maramat*—8·2 lakhs (3·6%). Besides these, there are also other minor items like productive Irrigation Railway, Anchar, Electricity and Telephones which together contributes about 12·6 lakhs (5·6%).

Expenditure.

We have now to consider the expenditure. Education takes a lion's share with 47·2 lakhs (23·2%). It is but natural that Travancore with its high standard of literacy should spend nearly 25% of its revenues on Education. P.W.D., *Maramat* and productive Irrigation take another 35·1 lakhs or 17·3%. It is to be noted in this connection that the roads in Travancore have been adjudged to be the best in India by the Roads Enquiry Committee. The expenditure under P.W.D. shows the reason why. Then we have various other items of expenditure such as:—

Land Revenue and Taxes on Income.	in Lacs. 10·19	Salt, Excise and Customs.	in Lacs. 6·33
Forest	8·08	Stamps	0·66
Registration	3·22	Interest	6·91
Palace (including tables and Royal Tours).	15·14	General administration	5·28
Justice	2·19	Army	6·14
Police	7·1	Agriculture and fisheries ..	1·09
Industries	1·54	Medical, -Public Health and sanitation.	11·57
State temples (including state charities).	17·4	Subsidy	8·11
Political expenditure ...	3·33	Pensions	15·6
Other items	8·09		

Budget: Its Scope and Character.

A discussion of the main heads of Revenue and expenditure leads to a general survey of the state Budget—its scope and character.

1. The major part of the revenue comes from Excise, Customs, Land, Stamps and Salt. As such, the Travancore Budget does not differ much from the Budgets of other civilized countries in its get-up. These heads are the main props of the Revenue system.

2. Education, P.W.D., *Devaswams*, Public Health, palace, pensions, Land Revenue—these are the major heads of expenditure. That under Land Revenue is treated as “Collection Charges” charged on “Direct Demands on Revenue.” Expenditure on Education, P.W.D., Public Health and pensions—these seem to be the *sine qua non* of all Budgets and such expenditure is justified by the ample returns it makes by way of increasing the material welfare of the people. That is the prime object of state-life. The expenditure on *Devaswams* is a special feature of the Travancore Budget and includes contribution to the *Devaswam* Fund and State Charities. This is by way of contributing to the spiritual well-being of the majority of the people.

3. The expenditure on the palace may be otherwise called the civil list of the Ruler and constitutes about 7.5% of the total expenditure of the state. No doubt, it looks substantial, but a comparison with the Budgetary figures of other Indian States gives us an idea of the real state of affairs. And that is the fact that the civil list of the Travancore Ruler in comparison with the total Revenue and expenditure of the state, is quite modest.

Budget Procedure.

There is nothing very different in the Budget procedure from the usual custom. The annual Budget in the form of a Finance Bill is presented to the Legislature, *i.e.*, in both the Chambers. The Finance Bill, as usual, shows the main items of Revenue and estimated expenditure for the coming year, the assets and liabilities, etc. It also gives the details under the various departments of public administration. These are made up in the form of grants to be passed by the legislature. It is generally the Financial Secretary to the Government, who presents the Budget on a notified date; with an introductory speech, explaining the main features of the Bill he is presenting. A general discussion then takes place. On the subsequent days, separate motions for different grants under the various departments are moved generally by the Heads of the departments concerned and they are either accepted or rejected by the House. Sometimes, token cuts under certain grants are made to criticize particular doings of the department or to discuss the general policy of the department and submit fresh proposals for consideration. When all the demands

have been granted, the third reading of the Bill takes place and the whole Budget is passed. A supplementary Budget may be presented when necessary.

Control of Legislature over Budget.

The Budget is presented to both the chambers of legislature. But the Assembly has a larger control than the Council over Finance, since there is no restriction on its powers of modifying the Budget demands. The popular Assembly can reduce or omit the grants forming part of a demand; but the council, *i.e.*, the Upper House can only deal with each demand as a whole, and is not entitled to move for reduction of the grant or any items of the grant comprising the Demand. The Budget has to be passed by both the Houses. There is also a provision for the constitution of a Public Accounts Committee to deal with the audit and appropriation of the accounts of the Government.

8. ECONOMIC AND INDUSTRIAL POLICY.

Economic Problems.

Closely allied with the finances of the state is the economic and Industrial policy of the Government. In matters economic, the one thing that strikes even a casual observer is that the government has followed a very conservative policy. No doubt, experience has compelled the Government to take certain measures which tend to cut away from orthodox moorings, but all the same, it has been very cautious. All the crops in the state mainly depend on the seasonal monsoons and when these fail or are indifferent, the result is nothing short of a catastrophe for the agriculturists. Though the government has been doing its best in such contingencies, the resultant sufferings of the ryots are pathetic—paddy produced in the state is insufficient to meet the country's demand in normal years and so the deficiency is made good by imports. Coconut is the most important commercial crop in Travancore and its products account for more than a third of the total exports of the state. But recent competition from Ceylon in this valuable market, has bit the Travancorean very hard and a strong agitation is going on for taking adequate measures to counteract this danger. The Government seem to be powerless in this matter and its attempts to move the India Government do not bring any response from that quarter. Tapioca is the *food-par-excellence* of the poor and its cultivation is very popular. To meet the need of the agriculturists for long term credit, the

Government has recently started a Land Mortgage Bank which is a purely Government concern.

Industries.

Solution of old problems, however, gives rise to new ones. The industries of the state are a case in point. There was a time when the Government tried to emulate the example of Mysore by starting a number of industrial enterprises like the Rubber Factory, Sugar Factory, Tincture Factory, paper mills, etc. But the experiment was a failure and the Government hastily withdrew. This was mainly due to lack of adequate facilities for advertising and marketing the products. The Government tried their best to give wide publicity to their products by taking part in Exhibitions, etc., and establishing agencies outside the state. But all this came to no purpose and there was considerable loss. The Government then tried the method of giving the management of these concerns to private agencies, but this also was not a success. As a result, the Government have recently sold outright most of these factories to private companies, who are now managing them. The sale price has counterbalanced to some extent the loss sustained. The giving up by the Government of their original idea to run certain industries themselves, has discouraged and disappointed the labouring classes of the state who stood to benefit by such a policy. The Government has lately constituted an Economic Development Board to Co-ordinate the activities of several Development Departments, and to secure non-official advice in the development of the economic resources of the state, the establishment of new industries and the expansion of old ones.

Labour Problem.

A word about the labour problem in Travancore. Factories are mostly engaged in the manufacture of tea, tiles, coir yarn, coir matting, rubber, paper, steel goods, sugar matches, extraction of cocoanut oil, mining, preparation of cashewnut Kernels, and spinning and weaving. Tea, Rubber and Cardamum, however, absorb nearly 70% of the total industrial population, with the cashewnut, coming second with about 7% and then the Coir industry following closely with about 6.9%. The employees include men, women and children. The average daily wage varies from 3 to 12 annas (*i.e.*, appx. 3d. to one shilling) per head for adults and from 2 to 4 annas per head per child. Duration of working hours varies from 8 to 11 hours a day. Sanitary arrangements in factories are generally satisfactory.

This survey gives a fair indication of the condition of labour in the state. But here also, it is the same old story—economic depression. Rubber has gone down; the chasenut industry which seemed to offer rich possibilities for the future, proved a damp squib; the present state of the Coir industry is simply miserable. The results have been, discontent in the labour ranks, strikes followed by riots, shooting and repression by the Government. It is all a vicious circle. There is no charter of labour in Travancore and employers have been indiscriminate and unscrupulous in their dealings with the employees. This has given rise to a sort of class conflict—a new phenomenon in Travancore where there is more of social equality than anywhere else.

Perhaps there is really no sound remedy for all these manifold ills which labour in Travancore as elsewhere is suffering from. Only a new social order as a corollary to a fresh world outlook, can bring lasting peace. Meanwhile, it rests with the powers that be to mitigate to some extent the rigour and extent of this suffering. And it is heartening to note that the Travancore Government have not been slow in taking action.

9. POSITION OF WOMEN.

Succession in Travancore is matriarchal (I am speaking of the native Hindus which excludes Tamil Brahmins domiciled in the state) and this has given the women a status which is not enjoyed by their sisters outside. Christian women are even more advanced than their Nair sisters, in education and social status. Thus Travancore women have played a very substantial role in the life of the state. The women have complete equality with men in the matter of voting and election to municipal and legislative bodies and as regards administration to the various public services. They have no civil disability.

10. LOCAL SELF-GOVERNMENT.

History.

A short sketch of the history and working of Local Self-Government only remains, to complete this survey. Before the year 1893 there were only a set of rules in force, which governed sanitation and other matters connected with the improvement of towns and they applied only to the capital town of Trivandrum. They had not the force of law and were not comprehensive enough to meet the growing needs of the country. So in 1893, a regulation was passed to provide for the conservancy and improvement

of towns. It created town improvement committees and Town Funds; but the powers of committees were limited and they were only concerned with the supervision of sanitary arrangements. They had no power of taxation. Five Committees only were appointed under this Regulation, with permanent official majorities. This Regulation was, however, superseded by the 1900 Regulation; which for the first time authorised local taxation with the previous sanction of the Government. This enabled the committees to augment their meagre resources and to widen the scope of their activities. The various committees encouraged by this, demanded greater powers as a result of actual experience and this insistent demand could not remain unmet for long. So again in 1919, the present *Travancore Municipal Regulation* was passed. It was based on the latest law in force in British India at that time. Municipal councils were constituted and the proportion of official and non-official members was fixed. The scope of municipal activities were enlarged and the duties of councils were defined. Local Self-Government in the state is now chiefly represented by the several municipalities created under the above Regulation.

Present Constitution.

There are about 20 municipalities in the state now mostly in urban areas and their administration is vested in the respective municipal councils. The members are partly elected by the rate payers and partly nominated by the Government. Nominated members comprise both officials and non-officials. The chief executive authority is the president of the Council. All the presidents except the president of the Trivandrum Municipal Council—who is a wholetime salaried officer appointed by the Government—are elected by the respective municipal councils from amongst the members (or from outside). The councils meet regularly and transact their business according to a fixed agenda.

Functions.

The main functions of the municipalities seem to be sanitation and public health, lighting of public streets, vaccination, registration of births and deaths and such other matters. There are health visitors and midwives under them who do useful maternity and child welfare work. Some of the councils maintain, leper clinics, libraries and reading rooms, primary schools and aided *Ayurvedic* dispensaries.

Finances.

The sources of Municipal finance are mainly:—

- (1) The Government Grants.
- (2) Various taxes.
- (3) Other rates.

Formerly municipalities used to levy tolls also, but from 1934, municipal toll-gates have been abolished except in two towns. Instead P.W.D. toll gates were established. The grants from the Government compensated this loss to some extent. The incidence of taxation in the form of rates and taxes is not generally very high.

Village Panchayats.

Another aspect of Local Self-Government was emphasized in 1924, by the promulgation in that year of the Village Panchayat Regulation. This has extended the sphere of Local Self-Government to rural areas. They are, now, working with regular budget estimates of receipts and expenditure. Majority of the members are elected and the rest nominated by the Government. Their main functions are sanitation, lighting of roads and improvement of village tanks and roads. The cess levied on the people and contributions for the Government constitute the finances of the panchayats. Their work is quiet and unostentatious.

REVIEW.

WHITHER MINORITIES?—by the Hon'ble M. N. Dalal, Member of the Council of State. (Taraporevala & Sons, Bombay, 1940). Price Rs. 4.

The extension of the borders of democracy raises more and more urgently the problem of minorities. It is clear that democracy cannot work well unless based upon the foundations of popular satisfaction, that is to say, unless there is absence in the community of any large and well-marked discontented minorities. The principles of majority rule assumes that the minorities would willingly accept their situation. This they would do if, firstly, the chance is open to them of one day becoming part of the ruling majority, and secondly, if they have the assurance that they will not be *oppressed* while in a condition of minority. In a state, where there are obvious and persistent racial, class or cultural differences, as they are in India, this assumption becomes very difficult to maintain, and gives rise to complicated communal problems.

In this exhaustive study, Mr. Dalal has considered the problem of all Indian minorities—racial, religious, political and otherwise—, although his main interest is directed to the communal problem in its political aspect; and this he has analysed with very great care both in the light of history and with regard to the prevailing tendencies in the international world to-day. Mr. Dalal's undoubted view is that in its large outlines, the communal problem in India is a created one, in the sense that the British statesmen in India, 'realising that if their essential interests in India were to be preserved, it was necessary for Britain to have local allies, and those on a plane different from that in which similar allies had been sought during the early years of British rule in India,' deliberately followed the policy of cultivating 'the strongest single minority, *viz.*, the Muslims, which had anyhow good reasons for dreading the supremacy of the Hindus, if and when the day came when India's dreams of self-government were realised.'

The 'real problem of minorities in India,' says Mr. Dalal, was born in 1907 when the principle of separate representation for classes, communities and interests was first recognised as a cardinal feature of the Indian political system. Readers of Lady Minto's diary need not be reminded that the Viceroy called the day of the Agha Khan deputation in which the demand for separate electorates was formally presented as 'a very eventful day and an epoch in Indian history.' Thus supported by the British Government, the demands of the Muslim minority went on increasing, until in 1928, they were crystallised by the All-Muslim Conference in the famous fourteen points—of which some have already been satisfied, while others seem to Mr. Dalal as 'clearly unreasonable.' But the effect of the daily increasing Muslim demands has been generally to put a premium upon separatism; the division of the Indian community has steadily gone on, and

THE ROLE OF REVOLUTION IN SOCIAL DYNAMICS.

BY

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I

Hegel was the first Philosopher to work out a plan of social evolution. "He started from Montesquieu's conception of Society as a constellation of mutually determined factors, and in the study of History found a pattern or law of development. The clue to this pattern was the Greek conception of Dialectic, namely, that the thought-processes go by opposites. Every tendency when carried to the full breeds an opposite tendency which destroys it. But the destruction of one position in a controversial situation is never complete. For both sides are partly right and partly wrong, and when the rights and wrongs are properly weighed, a third position emerges more adequate than either. The process starts all over again from this new position. History, therefore, is like a spiral that mounts as it turns. Its driving force is the fruitful opposition—a contradiction which is never absolute, between systems that constitute an objective criticism of each other and leads continually to a more inclusive and a more coherent system. History is Absolute Truth progressively revealed in Time, but never revealed completely."¹

Marx was the next philosopher to concern himself with the study of social dynamics. He accepted Hegel's historical method and his conclusion of dialectical progression. In other words, he accepted that the clue to social change is found in the contrariety of institutions that make up Society. But he went on to show that this opposition between any two elements of a social environment is materialistic, not ideal. Social institutions are not objective forms of Reason, Idea and Value, but embodiments of the modes of economic production. "Upon the several forms of property, upon the social conditions of existence, a whole super-structure is reared of various and peculiarly shaped feelings, illusions, habits of thought and conceptions of life. The individual unit to whom they flow through tradition and education may fancy that they constitute the true reasons for and the premises of his conduct."² The springs of social change, therefore, arise

¹ G. H. Sabine—*A History of Political Thought.*

not from the opposition between systems of thought and their criticisms but from a situation as below.

"At a certain stage of development, the material productive forces of society come into conflict with the existing production relationships, or, what is but a legal expression for the same thing, with the property relationships within which they have hitherto moved . . . A period of social revolution then begins."³

By substituting the concrete "Economic Reason" for the vague 'Absolute Reason,' Marx has changed Hegel's Dialectical Idealism into Dialectical Materialism. He changed 'the pattern of history from the thought-processes in the Absolute Mind into the workings of a social force'. But in this transformation he not only rendered an account of social change in terms of a tangible and familiar force, he also revealed its revolutionary character. "The history of all hitherto existing society is the history of class struggles.

. . . an uninterrupted, now hidden, now open fight, a fight that each time ended either in a revolutionary reconstruction of society at large, or in the common ruin of contending classes."⁴

In the revolutionary class-war, Marx found the clue to World-History. To him revolution was the mode that resolves the opposition between the Bourgeoisie and the Proletariat. It corresponds to the last of Hegel's triad of Thesis, Anti-Thesis and Synthesis, and is likewise inevitable. Liberals deny that revolution is inevitable in the change from capitalism to socialism, they even deny that revolution is inevitable in any social change. In denying its inevitability, they have often denied it the character of a mode of social change. In this they go farther than their arguments warrant them. Because historical revolutions have changed the nature of societies. If the explanation of social change is to be sought in the complex of its environment,—and what other *a priori* explanation would be sufficient, the causes of revolution must also be sought in the environment. What type of environment produces a revolution?

Aristotle has given an answer to this question.

"The universal and chief cause of this revolutionary feeling has been already mentioned, *viz.*, the desire of equality, when men think that they are equal to others who have more than themselves; or again the desire for inequality and superiority, when conceiving themselves to be superior they think that they have not more but

² K. Marx—*The Eighteenth Brumaire*.

³ K. Marx: *Preface to A contribution to the critique of Political Economy*.

⁴ Marx and Engels—*The Communist Manifesto*.

the same or less than their inferiors; pretensions which may and may not be just . . . other causes are insolence, fear, love of superiority, contempt, disproportionate increase in some parts of the state; causes of another sort are election intrigues, carelessness about trifles, dissimilarities of elements".⁵

This is an explanation in terms of psychological attitudes. It stands on the same plane as Hegel's explanation, but it is more specific. Hegel's dialectical interplay of reason, fact and value reduces the pattern of history to a dictum in Epistemology. The law of History is the law of Mind. Recent research in Astrophysics and in the structure of Matter has given an unexpected support to this view.⁶ On sociological studies, however, this dictum has a very remote bearing. Men in society are moved less by Reality than by Appearance and Illusion; appearance is generally more specific, more concrete, more colourful; it is the Actual. Sociology, which is more a Science of the Fruit than a Science of the Light, is concerned with the actual. Aristotle enumerates actual feelings; his explanation is more useful than Hegel's. In so far as Aristotle includes both rational and irrational feelings his explanation is fuller than Marx's. For it covers the background of a Socialist Proletarian Revolution as well as of a Fascist Bourgeois Revolution. But it is an explanation in terms of feelings, while Marx thinks in terms of social institutions, and social institutions are still more objective, still more actual, than either Ideas or Feelings. They are less fluid, less responsive to the changing environment, both ideal and material. Hence they offer a greater resistance to change. Their relatively greater permanence and pressure constitutes their objectivity. In the complex of indeterminate forces and social institutions the latter are the only guide in compiling statistics of Probabilities, or what is the same thing, of Social Dynamics. But the more specific is an explanation the less is its comprehension. Specification is only delimitation. What Marx has gained in objectivity, he has lost in comprehension. Compared to Hegel or to Aristotle, it is a more restricted explanation. It does not claim to explain all the variations on the major theme, and Marx's protagonists admit as much.

"It is no part of my case to argue, either, that all historical change is necessarily determined by the economic factors . . . I argue only that the economic factor is the predominant factor in that determination. I fully admit the influence of personality tradition, logic, as factors in the making of change . . .

⁵ Aristotle—Politics Bk. V. (ii).

⁶ A. Eddington—*The Philosophy of Physical Science*.

"But the admission of pluralism in historical causation is not the same thing as a denial of the primacy of the economic factor. I am concerned only to insist that the part any other factor will play depends upon an environment which is determined by its system of economic relations."⁷

The charge brought against Marx is not a lack of comprehension. The more inclusive theories of Aristotle and Hegel are as much in disfavour. The charge is the more serious one that the revolutionary character of resolution of economic conflict with sufficient explanation. It seems to have been loosely superimposed upon economic conflict. It is held that nothing has been said by Marx which precludes their peaceful resolution. And the Liberals proceed, at once, to cite examples of the Reform Laws and the Social Services and the Ulster Crisis,⁸ or of the Roosevelt Administration. But two can play at this inconclusive game of giving unanalysed illustrations. And with equal alacrity the Marxists point to the two MacDonald Governments, the Paris Commune, the Blum Government, the third German Republic and the Negrin Government. This, of course, is no answer to the question of the Liberals.

A better way to answer this charge is to examine the nature of the resolution of conflicting factors. Marx says, "With the change in *economic foundation* the whole gigantic superstructure is more or less rapidly transformed. In considering such transformation we must always distinguish between the material changes in the economic conditions of production . . . and the legal, political, religious, æsthetic or philosophic in short *ideological forms* in which human beings become conscious of this conflict and fight it out to an issue." This is Marx's view of social transformation. It is different from the static view which conceives society as totally disintegrated by a revolution and restarted thereafter; it is different from the revolutionary view which affirms solely that the new society was merely the old society in a new form. Marx's view is a synthesis of these two views. The old society is broken up in its superstructure, in its conditions of economic production; the old society is continued unbroken as its forces of production continue in the new society. When the forces of production have produced a new environment, the conditions of production—the ideological forms, are rapidly transformed. Due to the tenacity of ideas this trans-

⁷ H. J. Laski—*The State in Theory and Practice*.

⁸ E. F. M. Durbin—*The Politics of Democratic Socialism*; and W. Lippmann—*The Good Society*.

formation is violent. It is on the ideological plane of the environment, then, that we must study the process of revolutionary transformation.

II

Society is the whole complex of relations in which its members stand to one another. Ideas, values, opinions as well as personal feelings and desires constitute these relations. From this medley of various, changing and incompatible elements arise certain stable integrations which are called social institutions. There is integration between various institutions as well as between institutions and ideas and desires. There is normally a time lag between these ideas and desires becoming socially vocal and their integration with existing institutions. The reason is that integrations, once formed, develop an inertia towards further reintegration. Ordinarily, this inertia is not great, and, therefore, the lag between an ordinary change in ideas and desires and a change in institutions is inconsequential. This is the general process of social change.

Sometimes, however, the resistance to change is considerable. If the forces of change are weak they are easily nullified and they die out. There is no repercussion on society except that one particular change has not taken place. Like normal change, such failures are quite frequent. But occasionally, it happens that the resistance of the factors of conservation does not nullify the movement or change, they are not eliminated. Resistance, rather, provokes counter-resistance and in fact strengthens the movement for change. In turn, the conservatory and the change-making factors are stiffened. This is the environment where revolutions are precipitated, where one pressure-group is pitted against another pressure-group. In the state and posture of gladiators, with their weapons drawn and pointing, and their eyes fixed on one another! (Hobbes). This is a state of war, because the environment loses the elasticity which Reason had imparted to it. The tension between two sides goes on increasing till pent-up violence breaks forth and spends itself out.⁹

Violent revolution, therefore, is the mode of change in an environment where powerful and far-reaching change—movements meet with very strong resistance from the factors of conservation. The energy displayed by both sides and the heat generated from their clash, is not capable of a rational explanation. And the

⁹ C. Brinton in *The Anatomy of Revolution* works out a 6-point cycle for the course of a revolution.

extremes to which both the sides go, indicate the presence of irrational factors on either side. These irrational factors are no necessary part of the original factors, but may have been added consciously. But when they are added, Reason abdicates and violence is enthroned. For the nature of irrational factor and the mode of its action, we have to call in the aid of Psychology.

III.

Researches of Freud into the causes of Neurosis have adduced scientific evidence for the widespread scepticism about the rationality of man in mass.¹⁰ The myth of *Homo Sapiens* has shared the fate of *Homo Divinitas*, and joined the host that has been relegated to the limbo of exposed hoaxes. It has been shown conclusively that irrational desires, in numerous ways, affect and control our daily behaviour.¹¹

Psychology is still a very young science. At the present stage it may not be very profitable to apply wholesale conclusions of child Psychology to the study of adult behaviour in social groups.¹² Nevertheless, in general, it provides a valuable corrective to the view that Politics is all reason.¹³ Of course, it was common knowledge that men are more easily moved by fear and greed and hatred than by appeals to the nobler side of their nature. Now we are told that the drive behind human will and action always comes from conative impulses, commonly called emotions. These powerful impulses are erratic and irrational in their expression. By an intricate mechanism the mind sublimates their energy; that is, harnesses it to rational and socially approved behaviour. Then we are told what importance Phantasy has in the life of normal men. This at once explains the role of Social myths in social life, and why they evoke a passionate and irrational attachment. And again, we are told how excessive uncertainty in the environment and physical fatigue enhance nervous-irritability, and thus lower the resistance of the mind to irrational suggestion.

¹⁰ " . . . A race as stupid as the human species, a race created for error, which when it does admit the truth, never does so for the right reasons. It is necessary then to give it the wrong ones." Renan.

¹¹ S. Freud—*Psychopathology of Every day life*.

¹² e.g. *The Psychology of Social movements* by Hopkins.

¹³ Graham Wallas—*Human Nature in Politics*.

Strictly speaking, on the showing of the psychologists themselves, human behaviour is never irrational; it never lacks a reason or cause. It is irrational only in the sense that it proceeds from premises irrelevant to the situation in which it takes place. The irrelevance of these premises is not realized, because its real bases are barred from the conscious mind. They lie in the mere forgotten or the forbidden regions of the unconscious, and are not affected by occurrences in the conscious mind. They are above and beyond mere reasoning for all practical purposes.

In these ways the Irrational element is introduced into the behaviour of ordinary men. And it was from a realization of the vitality of the irrational in man that systems of Philosophic Irrationalism were propounded by Nietzsche and Bergson.

IV.

Irrationalism also enters in social dynamics. It works in Society through Social Myth. As in personal phantasies, so in the myths of the free and equal Individual, the Sovereign Nation, the chosen race, or the Working Class, the unbearable Present is forgotten. Its excellence, whether heroic or merely pleasurable, is beyond rational and pragmatic criticism,¹⁴ because it is a wish-fulfilment. Thus, it relieves emotional tension and replenishes nervous energy. Battered and broken by a hostile and brutal actuality, individuals seek an escape into the illusion that is a social myth. It administers alike to their starved virtue, wounded vanity and frustrated desires. Fed on this manna, men are healed and restored and feel strong. Like strong drinks, myths dull the ratiocinating capacity of men and draw out inhibited impulses. They draw their strength from the energy of these emotions to which they are secretly and directly linked. In so far as they possess sanctions independent of individual will and judgment they are more permanent and continuous than individual persons. They are, likewise, more powerful and stubborn than individual phantasies, because their more numerous bases are widely scattered. In a social myth irrationalism becomes socially objective; it becomes a social institution. When movements for change become apotheosized into social myths, no peaceful mode of change

¹⁴ 'A myth cannot be refuted, since it is at bottom identical with the convictions of a group, being the expression of these convictions in the language of movement; and it is in consequence unanalysable into parts which could be placed on the plane of historical description.' G. Sorel—*Reflections on Violence*, p. 33.

is possible. When the mere mention of 'the Jew' shuts up a Nazi and 'the Bourgeois' closes up a communist, arguments and discussion are superfluous, and even mischievous. The result, as is well-known, is the two most violent revolutions in History.

Irrationalism can as easily be evoked to level down the defences of conservation, as to stiffen the resistance of conservatory factors. Myths may be built up therefore, by either side. As a matter of fact, it is very probable that the revolutionary myth will provoke a conservatory myth in opposition to it, and *vice-versa*. But in organising men's emotional energy, a revolutionary myth is more efficient than a myth for conservation. The former has to generate more energy to overcome the resistance of conservatory factors, because the latter already has the dice loaded in its favour; it has the state on its side.

The State is a powerful instrument for keeping the *status quo*. It is the richest and the best organized corporation in society. It alone possesses the right of legal coercion. By withholding or granting incorporation, concessions and subsidies it indirectly controls social life and opinion which lie beyond the pale of direct action. Its interference in an ever-increasing number of social services and public utilities needs no emphasis.¹⁵ The State has, in effect, become, though in a different sense, what Burke described it to be, namely, 'a partnership in all science; a partnership in all art; a partnership in every virtue and all perfection'.¹⁶ All these ramifications of the State are ultimately united in its primary function of keeping law and order. No far-reaching social movement can succeed without the co-operation of the State; with this engine working against it no movement has, ordinarily, the slightest chance of success. Normally, a movement for sweeping changes begins outside the State. To succeed, it must generate enough enthusiasm in its advocates to challenge the state, in the first instance; and to keep them hopefully stubborn, in the event of its opposition. It must also give them sufficient momentum and drive to operate the ponderous state-machine if they succeed and capture it. In as much as the state is the prime agent of society, it calls forth a myth in opposition to itself. Only the power of a Myth can successfully rival the majesty of this Leviathan.

Certain conditions in the environment help the development of social myths by lowering the resistance of the individual mind to extraneous suggestion. Uncertainty in the environment and

¹⁵ G. D. H. Cole—*Machinery of Socialist Planning*.

¹⁶ Works, Vol. II.

continued physical fatigues are such predisposing factors. Insecurity in the material environment may arise from Trade-cycles, from the vagaries of monopolistic capitalism, or from the uncertain fortunes of war—no matter whether for *Weltmacht* or for *Lebensraum*. Scourges and epidemics are less powerful solvents of traditional modes of thought, because they do not operate continuously. The decay of a culture produces an analogous uncertainty in the intellectual environment. Religious belief declines, ethical and aesthetic values dissolve and social institutions are reduced to a mere husk of the original living content.¹⁷ There is no universally accepted pattern of social behaviour. The individual has to evolve a pattern of behaviour by continual trial and error. Living becomes very strenuous and exacting. There is nothing that is interesting and worthwhile, and from boredom and bewilderment there is no escape into cultural pleasantries or religious ecstasies. When old gods die, new gods are born, for men cannot live without gods.

“ . . . men both deny gods* and worship gods.,
 professing first Reason,
 And then Money, and Power, and what they
 call Life, or Race, or Dialectic.”¹⁸

And men clutch at the first suggestions of stability. Social myths give such a promise, both of material security and of recreated social values.

Similarly monotonous work at high speed, incessant noise, overcrowding and over-indulgence in cheap excitement,¹⁹ in short life in industrial towns, produces a nervous exhaustion. Not only alcoholism and prostitution but also revolutions are the products of this strain. Any way of making one oblivious of one's surroundings is welcome. A myth easily provides such an intoxication without any loss of self-esteem; rather it adds to it by lifting men out of their miserable, petty selves into the heroic.²⁰

Young persons in enforced idleness and without any future are particularly open to the allurements of a myth. Their un-

¹⁷ ‘Property has become the functionless claim to a share in the product of industry. The institution has become worse than indefensible, it is unless.’—Durbin.

¹⁸ T. S. Eliot—*The Rock*.

¹⁹ On the relation between Democracy and love of pleasure see: L. Woolf—*After the Deluge*.

²⁰ Sorel, *op. cit.*, p. 32, 34.

harnessed energy, youthful impatience and susceptibility to emotional appeals makes them an easy prey. Every age must satisfactorily answer the question 'What to do with our sons?'²¹ Or suffer the consequences. With no place for them in the productive system at home or in the colonies, or in the wars which are becoming too destructive and too costly, they become restive and sullen. Will they not be embittered and angered when they are continually frustrated? Will they not rebel against a mounting realization of the mess that their elders have made of the world? Will they

". . . . stand with empty hands and
palms turned upwards
In an age which advances progressively
backwards?"²²

The Blue Shirts and the Black Shirts and the Brown Shirts tell us what they will do. They will turn away resolutely from 'a heap of broken images,' on every side and turn to a myth that promises them a New Jerusalem, a *Civitas Dei*.

V.

In social causation primacy belongs to economic conflicts. In the environment, determined primarily by economic factors, enters irrationalism, parading as a social myth. Abnormal insecurity, bewilderment and excessive physical fatigue lower the resistance of the mind to irrational myths. A growing number of young persons in enforced idleness is another factor making for the rise of myths. When a growing feeling for a far-reaching change begins to draw upon the conative impulses of men, mostly young, through an irrational myth, revolution becomes inevitable. It is then the necessary mode of re-establishing a new social equilibrium; it is then the only mode of social change. Irrationalism is the cause of revolutions. The energy of revolutions is the energy of irrational emotions yoked to a slogan, "an idea with grasping hands and running feet."²³ What is revolutionary in Marx is not the conflict of Economic Relations but the Mythical promise that "we shall have an association in which the free development of each is the condition of the free development of all."²⁴

²¹ H. G. Wells—*The Fate of Homo Sapiens*, pp. 39-47.

²² T. S. Eliot.

²³ E. Barker—Translation of Gierke's Works.

²⁴ *The Communist Manifesto*,

THE IDEA OF AN INDIAN CONSTITUENT ASSEMBLY

BY

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I.

The claim that the constitution of India should be formulated by the people of the country, through their chosen representatives, was first put forward by a few advanced Indian nationalists during the last Great European War when the British statesmen had enunciated the famous principle of Self-Determination for all nations, big or small, against the ruthless suppression of the liberties of small nations by German brute force. However, at the end of the War, the Indian claim was not only not conceded but was most emphatically and authoritatively negated by the British Parliament. The Preamble of the *Government of India Act, 1919*, laid down:—

“And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian people.”¹

This denial by the British Parliament did not put an end to the Indian demand for Self-Determination. On the other hand it has become more clamant with the lapse of time and the growth of national strength and organisation.

Soon after the *Government of India Act, 1919*, came into force the Indian claim was voiced by the greatest Indian leader of the times in a most unequivocal manner, making clear the connection between the British Parliament and the establishment of Indian Swaraj. Wrote Mahatma Gandhi in 1922:—

“Let us see clearly what *Swaraj*, together with the British connection, means. It means undoubtedly India's ability to declare her independence if she wishes. Swaraj, therefore, will not be a free gift of the British Parliament. It will be a declaration of

¹ See my *Land marks in Indian Constitutional and National Development, 1600—1919*, p. 561.

India's full expression. That it will be expressed through an Act of Parliament is true. But it will be merely a courteous ratification of the declared wish of the people of India, even as it was in the case of the Union of South Africa. Not an unnecessary adverb could be altered by the House of Commons. The ratification in our case will be a treaty to which Britain will be a party. Such *Swaraj* may not come this year, may not come within our own generation. But I have contemplated nothing less. The British Parliament, when the settlement comes, will ratify the wishes of the people of India as expressed not through the bureaucracy but through her freely chosen representatives."²

In 1924, the Swaraj Party, the Parliamentary wing of the Indian National Congress, put forward the demand in the Indian Legislative Assembly for the convening of a representative Round Table Conference or Convention for recommending, with due regard to the protection of the rights and interests of important minorities, a scheme of a constitution for India—which after it had been approved by a newly elected Indian legislature was to be submitted to the British Parliament for enactment in the form of a Statute.³ This demand was reiterated by the Indian Legislative Assembly in 1925 on the occasion of the consideration of the Report of the Indian Reforms Enquiry Committee of 1924, popularly known as the Muddiman Report.

The then Secretary of State for India, Lord Birkenhead, instead of considering with sympathy the demand voiced by the representatives of the people in the Indian Legislative Assembly, threw out an insolent challenge to the Swarajist members "to produce a constitution which carries behind it a fair measure of general agreement among the great peoples of India"⁴ which he

² Jai Gopal Narang: *Constituent Assembly and our Demand*, pp. 5 and 6.

³ Mention may also be made here of the attempt made, under inspiration from the late Mrs. Besant, by the Liberal members of the Indian Legislature in 1922 and 1923 to call a National Convention "in order to obtain for the Commonwealth of India Dominion Status in her external relations and Swaraj in her internal affairs." A National Conference was held at Raisina (New Delhi) on February 12 and 13, 1923, with a view to make arrangements for the calling of such a convention after the elections of 1923 but the scheme did not fructify.

⁴ Speech delivered in the House of Lords on July 7, 1925.

felt confident would not be forthcoming in view of the unfortunate communal differences that existed in the country and which came to a head during the next two years. He took advantage of the Hindu-Moslem tension in India in 1927 to press for the appointment of an "all-white," purely Parliamentary⁵ Commission under the Chairmanship of Sir John Simon—which was boycotted by the vast bulk of the politically-minded people and by most of the political parties in the country. And it was to express the Indian national protest in a still more effective manner that the idea of an Indian Constituent Assembly was put forward for the first time by Mr. M. N. Roy.

In 1928, however, the idea did not go beyond the stage of an isolated suggestion. It was not taken up by any political organisation in the country nor did it attract much public attention at the time. The Indian National Congress was occupied with the task of producing an agreed constitution⁶ and had convened an All-Parties' Conference for the purpose. The All-Parties' Conference failed to evolve an agreed constitution at Calcutta in December, 1928, and the Congress adopted early in January, 1930, *Independence* as India's political goal. But faith in working out a Constitution by the Conference method was not yet dead among the Congressmen and even after the Congress had adopted the Constituent Assembly method in 1934 many Congress Leaders continued to believe in the Conference method till almost the middle of the present year. Writes Pandit Jawahar Lal Nehru in his Autobiography.

"Some of the Congress leaders, while accepting the idea of the Constituent Assembly, have tried to tone it down and made it not very unlike a large All-Parties' Conference after the old model."⁷

Lord Birkenhead repeated the challenge twice and the last time on the occasion of the appointment of the Simon Commission in November, 1927, in the House of Lords. The challenge was taken up by Indian leaders and the result was the production of the famous *Nehru Report* by the Committee presided over by Pt. Motilal Nehru, which did receive "a fair measure of general agreement among the great peoples of India" although ultimately it failed to secure the united support of the Muslims in the country.

⁵ The attempt to justify the all-white personnel of the Commission on the ground that the Act of 1919 required it to be purely Parliamentary failed as Lord Sinha was a member of the House of Lords.

⁶ See the previous foot-note.

⁷ *Jawahar Lal Nehru: An Autobiography*, p. 574.

II.

The idea of the Constituent Assembly entered Indian Politics in 1934 as a counterpoise to the Constitutional Proposals of the British Government contained in *The White Paper* of 1933 based on the work of the Three Round Table Conferences held in London. On April 7, 1934, Mahatma Gandhi recommended the suspension of "Civil resistance for Swaraj" and approved the proposal to revive the Swaraj Party. A conference of those Congress leaders who believed in fighting the constitution from within the Councils was held at Ranchi on the 2nd and 3rd May, 1934, where the constitution of the new Swaraj Party was adopted and the policy and programme of the Party were laid down. The following resolution was passed which became the platform of the Party at the forthcoming elections:—

"Whereas, this Conference is of opinion that the proposal of His Majesty's Government for the new constitution of the Government of India contained in the White Paper are considered as a whole not only a negation of the National Demand made by Mr Gandhi on behalf of the Congress at the Second R. T. C. and calculated to perpetuate the political subjection and economic exploitation of the Indian people, this Conference resolves that the Swaraja Party should take all necessary steps to secure the rejection of these proposals by the country.

"This Conference claims for India, in common with other nations, the right of Self-Determination and is of opinion that the only method of applying that principle is to convene a Constituent Assembly representative of all sections of the Indian people to frame an acceptable constitution.

"This Conference is further of opinion that the consideration of the acceptance or rejection of the mode and proportion of representation as contained in the Communal Award is premature at this stage. The time for considering the same will arrive when the Constituent Assembly is convened."⁸

The All-India Congress Committee, which met on the 18th and 19th May, 1934, at Patna accepted Mahatma Gandhi's recom-

⁸ For the proceedings of the Swaraj Party Conference and discussion on the Resolution see Mitra, *Indian Annual Register*, Vol. I, pp. 271—281.

mendation to suspend mass civil resistance and constituted a Congress Parliamentary Board for the running and controlling of the coming elections on two main issues—rejection of the White Paper proposals and the summoning of a Constituent Assembly for framing the new Indian constitution and solving the communal problem.

III

• The idea of an Indian Constituent Assembly was thus brought prominently before the Indian public for the first time by the New Swaraj Party during the Council elections of 1934. But the full significance and meaning of the idea were not clearly understood then even by many of the leaders of the Swaraj Party, not to speak of the people in general. As stated above many of the Congress leaders took the Constituent Assembly to be an enlarged edition of an All-Parties Conference or a sort of an Indian Round Table Conference. They did not realise that “the whole idea behind the Constituent Assembly is that it should be elected on a very wide mass basis, drawing its strength and inspiration from the masses.”⁹ This was brought home to them by Pandit Jawahar Lal Nehru who pressed upon his Congress colleagues the idea of a true Constituent Assembly and popularised it among the people in the country. The Indian National Congress accepted the idea as expounded by Pt. Jawahar Lal Nehru at Faizpur, when on December 28, 1936, it passed the famous resolution condemning the scheme of Indian governance embodied in the *Government of India Act, 1935*:—The Resolution stated:—

“The Congress reiterates its entire rejection of the *Government of India Act, 1935*, and the constitution that has been imposed on India against the declared will of the people of the country. In the opinion of the Congress any cooperation with this constitution is a betrayal of India’s struggle for freedom and a strengthening of the hold of British Imperialism and a further exploitation of the Indian masses who have been already reduced to dire poverty under imperialist domination. The Congress, therefore, repeats its resolve not to submit to this constitution or to cooperate with it, but to combat it, both inside and outside the legislatures, so as to end it. The Congress does not and will not recognise the right of

⁹ Jawahar Lal Nehru: *An Autobiography*, p. 574.

any external power or authority to dictate the political or economic structure of India and every such attempt will be met by organised and uncompromising opposition of the Indian people. The Indian people can only recognise a constitutional structure which has been framed by them and which is based on the independence of India as a nation which allows them full scope for development according to their needs and desires.

The Congress stands for a genuine democratic state in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a state can only come into existence through a Constituent Assembly, elected by adult suffrage and having the power to determine finally the constitution of the country"¹⁰

Here was the idea at last stated clearly though it was still left in doubt as to how it would come to fruition ultimately. I believe, even at the end of 1936, few of the Congress leaders thought of the idea as immediately practical or practical in the near future—most of them were occupied at the time with the more urgent problem of winning the elections in the provinces. It is true that after the Congress had assumed office in the provinces in which it had won majorities the legislative assemblies passed resolutions condemning the 1935 constitution and supporting the Indian demand for Self-Determination through a fully representative Constituent Assembly. But during the next 18 months or so the attention of the Congress was concentrated on the practical problems of administration and the question of constitution-making receded to the background. The British Government and the other political parties in the country came to regard the Congress demand for an Indian Constituent Assembly in the same light as its insistence upon complete independence as India's political goal. They felt that when the time came the Congress leaders would sit down with the leaders of other Indian parties to hammer out a Dominion constitution for India of the Statute of Westminster variety. However, the whole situation was revolutionised by the declaration of War in Europe and by India's entry into it without the previous or free consent of her people or of their chosen representatives. The Congress withdrew all co-

¹⁰ Quoted by Jai Gopal Narang in *Constituent Assembly and our Demand*, pp. 14 and 15.

operation from the British Government, asked Britain to define its War aims and to recognise "India's independence and the right of her people to frame their constitution through a Constituent Assembly." The Congress ministries in the various provinces resigned and all efforts at settlement with the Congress have failed so far. The Congress has stated its position clearly in the famous resolution passed by the Congress Working Committee on September 14, 1939, and repeated again and again. The following resolution was passed in the last week of November, 1939:—

"The Committee wish to declare again that recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential in order to remove the taint of Imperialism from Britain's policy and to enable the Congress to consider further cooperation. They hold that the Constituent Assembly is the only democratic method of determining the constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it. The Working Committee believe, too, that the Constituent Assembly alone is the adequate instrument for solving communal and other difficulties. This, however, does not mean that the Working Committee will relax their efforts for arriving at a solution of the communal problem. This Assembly can frame a constitution in which the rights of accepted minorities would be protected to their satisfaction and, in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration. The Constituent Assembly should be elected on the basis of adult suffrage, the existing separate electorates being retained for such minorities as desire them. The number of these members in the Assembly should reflect their strength."

Later developments have not altered the position taken up by the Congress in this resolution. The interlude of hope created by "the friendly offer and practical suggestion [in regard to the constitution of responsible central government during the period of the War] contained in the Poona Resolution of the All-India Congress Committee of 28th July" has ended in disappointment. The statement issued by His Excellency Lord Linlithgow and amplified by the Secretary of State for India during the 2nd week of August has not ended the political deadlock in India. It is

possible that the British Government may succeed in getting the support of the All-India Muslim League and some other smaller political groups in the country but the gulf between it and the Congress has definitely become wider, which, if allowed to grow, may lead to active non-cooperation and civil resistance. In any case the position of the Congress in regard to the demand for the "recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly" remains and deserves careful examination at the hands of the students of political science and public administration.

IV.

"The history of the Constituent Assembly is the history of great revolutions."¹¹ In origin the idea of the Constituent Assembly is indeed very intimately connected with the three famous revolutions of the 17th and the 18th centuries—the English Revolution of 1648, the American Revolution of 1776 and the French Revolution of 1789. It is, however, not necessary to narrate here the history of the origin and development of the idea of the Constituent Assembly in the West as this has already been done in these pages by Mr. N. Srinivasan in his article on *The Theory of the Constituent Assembly*.¹² It is sufficient to state here that all the democratic states in Europe which have come into existence since the French Revolution of 1789—with perhaps one exception¹³—have been created by Constituent Assemblies and that their constitutions have been formulated by them. It is also now universally accepted, to use the words of the Congress Working Committee resolution quoted above, that "the Constituent Assembly is the only democratic method of determining the constitution of a free country." But it must be added at once that Constituent Assemblies have so far functioned only in those countries which have *either* successfully accomplished *democratic* revolutions and where the people are seeking to embody their democratic ideas and ambitions in concrete constitutional forms and institutions or where democracy already prevails and the people seek to remodel their political structure to suit the changed

¹¹ Thus writes Mr. Jai Gopal Narang in his small book on the *Constituent Assembly and our Demand* to which Pandit Jawahar Lal Nehru has contributed a *Foreword*, p. 53.

¹² See pp. 376 to 392. of the April-June 1940 issue of this *Journal*.

¹³ The possible exception referred to above is that of Pre-Mussolini Italy.

conditions. In any case, it must be clearly understood that a Constituent Assembly cannot function unless it possesses Sovereign authority so far as the framing of the constitution is concerned—a body with a limited mandate is not a “Constituent Assembly,” whatever else it might be. This is realised by at least one member of the Congress Working Committee, writes Pandit Jawahar Lal Nehru in his *Foreword* to Mr. Y. G. Krishnamurti’s small book *Constituent Assembly and Indian Federation*:—

“Obviously such an Assembly can only function satisfactorily as a sovereign body for the particular object for which it is elected”¹⁴

In this connection it is also necessary to remember what Pandit Jawahar Lal Nehru says about the definition of the Constituent Assembly. He writes:—

“A Constituent Assembly may be any Assembly which draws up a constitution of a country. And yet this is a poor enough definition of it. The real conception of such an Assembly is a dynamic one. It does not mean a body of people, or a gathering of able lawyers, who are intent on drawing up a constitution. It means a nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making. It means the masses of a country in action through their elected representatives”¹⁵

Is such an Assembly practical in India in the near future, say at the end of the present European War or soon thereafter? That is the question which the Indian National Congress has brought so prominently before the country today.

V.

I do not think it is fair to argue, as some critics of the Congress have done, that as India is not free the idea of an Indian Constituent Assembly must be ruled out altogether on that account; because it must be remembered that the Congress has always made “the recognition of India’s Independence” as a condition precedent to the calling of the Constituent Assembly. But would an Assembly of the kind envisaged by Mahatma Gandhi in his

¹⁴ Y. G. Krishnamurti: *Constituent Assembly and Indian Federation*, p. IV.

¹⁵ *Ibid.*, pp. III and IV.

famous article entitled *The Only Way* come under the definition of a Constituent Assembly as given by Pandit Jawahar Lal Nehru and quoted above? Writes Mahatma Gandhi:—

- “The Constituent Assembly if it comes into being, as I hope it will, as a result of an honourable settlement between us and the British people, the combined wit of the two nations will produce an assembly that will reflect fairly, truly the best mind of India The principal hindrance is undoubtedly the British Government. If they can summon a Round Table Conference as they purpose to do after the war they can surely summon a Constituent Assembly subject to safeguards to the satisfaction of minorities.”

It is clear that such an Assembly will not possess Sovereign authority and will be a sort of imposition on the masses by “the best minds of India” and not “the masses of the country in action” creating a democratic political and social structure for the nation. I am afraid, India is not yet ready for a democratic constitution framed through the most democratic method of the Constituent Assembly, as is clear from the voices with which India speaks today.

VI.

First among these voices is that of the Indian Liberals who also aim at creating a free, united and democratic India like the Congress and whose views on most of the practical problems before the country are in general accord with those of the majority of Congressmen but who unlike them believe in Dominion Status and in a strictly constitutional method of political agitation, interpreted in a rather narrow sense of the term.

The Indian Liberals are believes in the conference method as opposed to the method of the Constituent Assembly for framing the new Indian Constitution for three main reasons: First, because they do not have “much faith in the wisdom of the multitude,”¹⁶ to put it in the words used by Sir P. S. Sivaswamy Iyer in May, 1934. They believe in entrusting the work of constitution-making to those select few who are by virtue of their wide knowledge, long experience and mature wisdom specially qualified for it. Second, because, with Sir Maurice Gwyer, Chief Judge of the Indian Federal Court, the Indian Liberals believe that the

¹⁶ Quoted by Pandit Jawahar Lal Nehru in his *Autobiography*, p. 424.

Conference method has achieved better results than the Constituent Assembly method. In his Convocation Address at the Benares Hindu University, delivered in December, 1939, Chief Justice Sir Maurice Gwyer contended that the Constituent Assembly method had failed to provide stable and lasting constitutions in Europe, whilst the Conference method had proved very successful in the British Dominions. Sir Maurice was certainly on firm ground when he spoke of the success of the Conference method in the British Dominions though Indian experience of the Round Table Conferences was not particularly happy. But his illustrations were not conclusive in proving the failure of the Constituent Assembly method. As a matter of fact, if the work of all the Constituent Assemblies that have functioned since the American Revolution is carefully examined it will be seen that in the large majority of cases it has been eminently successful. No doubt, there are some important and spectacular failures like the failure of the French Constituent Assembly of 1789 or the breaking up of the Constituent Assembly convoked by the bourgeois Keransky Government in Russia by the Bolshevik leaders. On the other hand, it must not be forgotten that a large number of democratic constitutions, which have worked successfully for long periods, have been framed by Constituent Assemblies. For instance, in the land notorious for unstable government and quick revolutions the constitution drafted by the 1875 Constituent Assembly lasted till a few weeks ago when the French resistance suddenly collapsed under the powerful onslaught of the Germans. The Swiss Federal Constitution, which has worked most successfully for nearly a century, was also drafted by a Constituent Assembly. Both the Federal and the State constitutions in the United States of America were formulated by representative conventions or Constituent Assemblies. Even the Waimar Constitution worked well in Germany for a number of years under very difficult circumstances. Moreover, it is necessary to remember that in several cases extraneous circumstances have brought about the downfall of constitutions and their short life cannot be attributed to any shortcomings of the Constituent Assembly method—the case of France today is a most apt illustration of this kind. However, the Indian Liberals continue to believe in the superiority of the Conference method.

Lastly, Indian Liberals are of opinion that under the existing circumstances in India the Constituent Assembly method is impractical. For instance, they believe that adult franchise is unworkable under the present illiterate condition of the masses and the prevalence of communal feelings in the country and of

such social customs as the Purdah system among the women. The vast size of the electorate on the basis of universal adult franchise would in itself raise such tremendous administrative problems which, with the existing administrative machinery, it would be almost impossible to cope. Besides, the whole Indian political problem is so hopelessly complicated on account of the existence of the vested interests of the Europeans, the landlords and the Indian Princes and by the presence of acute communal differences, that no Constituent Assembly can have a ghost of chance to function—even a body of experienced diplomats would find it very difficult to disentangle the entangled skein of Indian politics today.

No student of Indian administration can lightly brush aside such practical difficulties as those stated in the preceding paragraph. But, it appears to me, that there is another consideration, which perhaps weighs with the Indian Liberals as much as the other considerations urged on their behalf above—it is, that in any body constituted on the basis of a wide mass franchise they would not be able to secure their quota of representation. They have never taken the trouble to establish contacts with the masses—they have made no such sacrifices as can make an appeal to them. Their policy contains no spectacular elements and they have no attractive or vote-getting slogans. They can only hope to secure adequate representation if selection is made on the basis of knowledge and experience of constitutional and administrative problems. It is, therefore, easy to comprehend the preference of the Indian Liberals for the aristocratic method of constituting a constitution-making conference and their strong opposition to the idea of a fully democratic Constituent Assembly.

VII.

Equally easy it is to understand the vehement opposition of the vested interests, *i.e.*, of the Europeans, landlords and the Princes, to both the idea of an Indian Constituent Assembly and to the Congress demand for the recognition of Indian Independence. They know full well that their fortunes are closely bound up with the maintenance of the British connection and the Sovereignty of the Crown in India. And they have good reasons to dread the coming of democracy in the country and the transfer of final authority to the people of the land. It is no use glossing over the fact that their interests are opposed to those of the Indian masses and that in a democratic India they cannot maintain their existing position, power and prestige. It is, therefore, not neces-

sary to explain further their opposition to the idea of the Constituent Assembly—all that is necessary to discuss here is the attitude of the Congress towards their claims and what place, if any, it would assign to them in the Constituent Assembly.

So far as the Europeans and Anglo-Indians are concerned they may expect the same treatment at the hands of the Congress as other Indian minorities and representation in the Constituent Assembly on the same basis. The case of the Muslims and of the other minorities against the idea of the Constituent Assembly will be examined in a later section and nothing further need be said here in regard to the claims of the Europeans. And as for the landlords they have really no case for special consideration. No where in the world are they given, in modern times, separate or special representation and whatever influence or power they may wish to exercise, they must win by direct appeal to the masses. As it is, they enjoy excessive power of control over the vast agricultural population in several parts of the country and if any intervention from outside is needed it is to prevent the landlords from exercising undue influence over their tenants at the time of elections.

However, the case of the Indian Princes stands on a different footing. It is true that they owe their present position largely to the protection afforded to them by the British Paramount Power and there is, therefore, something to be said for the view expressed on behalf of the Congress by Mr. C. Rajagopalachariar in his speech of November 15, 1939. Comparing the claims of the Princes with those of the Moslems, Mr. Rajagopalachariar remarked:—

“They cannot claim the status of minorities and demand an agreement basis. They should be taken as represented by what is called the Paramount Power which is protecting them and which is the same as the British Government.”

I am afraid, the position is not quite so simple as this statement would fain make us believe. The Indian Princes and the question of the States cannot be brushed aside in this manner. After what has happened during the last ten years a solution of the Indian problem on the basis of excluding the States is not possible and until the political awakening within the States goes very much farther than it has gone so far a deal cannot be made directly with the States people. Consequently, there is no option but to come to a settlement with the Indian Princes by negotiation, if necessary with the cooperation and through the agency of the

Paramount Power. In any case, it is clear that on no basis can the Indian Princes be represented on an Indian Constituent Assembly nor can the Paramount Power have a place on it. As a matter of fact, the Congress leaders, when they deal with the actual problems that confront the nation today in connection with their demand for the convening of the Constituent Assembly by the British Government, forget the true conception of a Constituent Assembly. If the Constituent Assembly is to be elected on adult suffrage how can the British Government be represented on it and through it the Indian Princes? If the Constituent Assembly is to be a Sovereign Body how can matters be taken out of its hands and referred to outside arbitration? If the communal problem can be solved only through the Constituent Assembly and not otherwise why then this provision for reference to arbitration which militates against the whole conception of the Sovereignty of the Constituent Assembly? If truth must be told, it appears to me that what Mahatma Gandhi and Mr. C. Rajagopalachariar have in mind is not what Pt. Jawahar Lal Nehru would call a Constituent Assembly but a sort of an All-Parties Conference or convention on which representatives of British India alone will be appointed on an elective basis. It is time that nothing else seems to be practical in the near future,¹⁷ but, if that is so why complicate the problem by calling it a Constituent Assembly?

VIII.

However, the strongest voice that is raised against the idea of the Constituent Assembly in India today is that of the All-India Muslim League, voiced by its powerful president, Mr. M. A.

¹⁷ In the *Bombay Chronicle* of 8th September, 1940, is printed the summary of an article by Professor H. J. Laski, which appeared in London on September 6th, 1940. According to this summary Professor Laski suggests that Britain should form an All-India Cabinet responsible to the Assembly. . . . That Cabinet should be asked (1) to speed-up and intensify India's contribution to war effort, (2) summon a constitutional convention to prepare draft constitution for negotiation with Britain. The basis of the constitutional convention should be delegation from Provincial legislatures and if necessary, new election should be held." There is provision for arbitration by the President of the U.S.A. in case of failure to agree on the minority problem. "Britain should bind herself to put the new constitution through Parliament within twelve months after the close of the war."

This suggestion would appear to meet the Congress position and is akin to the suggestions of M. Gandhi, made in 1922 and 1939.

Jinnah. The opposition of Mr. Jinnah appears to be based on three main grounds. First, he stresses the practical difficulties in connection with the working of an electorate on the basis of universal adult franchise, which have already been pointed out above. These difficulties are real but not insuperable. Second, he is afraid that Muslim interests will not be safe in the hands of an elected Constituent Assembly in which each community is given representation in proportion to its numerical strength—because the Muslims are in a minority in the country as a whole. And this in spite of the special provisions permitting representation through separate electorates and reference to arbitration in case an agreed solution is not possible on the question of minority rights. These concessions are, no doubt, opposed to the spirit of democracy and militate against the Sovereignty, nay the whole conception of the Constituent Assembly. They have been made by the Congress to show to the Muslims and the other minorities that it does not want to force a constitution upon them against their will and that an agreed constitution alone is its ideal. None the less, the opposition of the All-India Muslim League persists. That is due, I believe, to two factors: (1) There is a fear lurking in the minds of some Muslims that the Congress may today agree to their various demands and provide the necessary safeguards in the constitution to protect their interests and those of other minorities but once India becomes free and the Congress or the Hindu majority is entrenched in power, there will be nothing to prevent the Congress from scrapping the safeguards and making a new constitution of its own liking. The history of other countries and the experience of the people in this country does not lend any support to this belief or fear. The Muslims have strengthened and improved their position at each successive political advance in India and they have become so organized and communally conscious that there is not even a remote danger that any adverse majority would ever dare to withdraw any of the safeguards or guarantees once provided in the constitution. As a matter of fact, in India today it is "The tyranny of the minorities" that is proving a real menace to the progress and the whole future of the country. (2). The second factor is even more important from the practical standpoint. It is that the All-India Muslim League and, more particularly, its shrewd President are anxious to exploit to the maximum the position of great tactical advantage which the Muslim community enjoys today in Indian politics. The Muslims are following in the footsteps of the Princes who tried to make the best of their position during the gestation of the last Reforms. They are prepared to give their

support and cooperation to the British Government but, after securing the most advantageous terms to themselves there is, however, a double danger in this: Mr. Jinnah may try to drive too hard a bargain which may not come off or delay cooperation till it is too late as the Indian Princes did in the case of the proposed federation. Or the Muslims may succeed today and pave the way for the permanent disruption of the nation and face civil war tomorrow.

Lastly, the opposition of the All-India Muslim League is due to its recent discovery that the Indian Muslims constitute a separate nation—that there is not one but two nations in India. It is not possible to deal at length with this recently adumbrated “two nations theory” at the end of an already lengthy article nor is it perhaps really necessary to do so at this place. I believe it will be sufficient to state here some of its implications and a few of the consequences which are likely to follow if the theory is ever, unfortunately, translated into action. (1). If religion is to be accepted as the most essential basis of nationality and the followers of every religion are to be regarded as constituting a separate nation there will be then not only two but several more nations in this country. And will Mr. Jinnah, who claims Self-Determination for the Muslim nation in India be prepared to extend the same right to the Sikhs in the Punjab and the Hindus in Bengal? Let him remember that once this talk of dividing the country starts it cannot be confined to a two-fold division of India to suit him and his co-religionists but it is bound to spread to each province, state or tract. (2). Does the All-India Muslim League realize that on the basis of the two nation’s theory there will be an end for ever of its accepted ideal of independence? (3). In any case, this theory has become, today, a real obstacle in the way of a democratic solution of the Indian problem. “Representative Government”, in the words of Prof. Laski, “presupposes a body of citizens who are fundamentally at one upon all the major objects of Governmental activity; so fundamentally at one, it may be added, that the thought of conflict as a way of change is incapable of entering in the minds of more than an insignificant portion of the nation. It requires, in the second place, a sense in the nation that no single class of any importance in the community is permanently excluded from power.”¹⁸

No one can deny that in India today there exist serious communal differences but, except on the question of the distribution of “loaves and fishes”, differences on “the major objects of Gov-

¹⁸ Laski: “*Parliamentary Government in England*”, p. 14.

ernmental activity" do not run generally on communal lines. And that it is possible to emphasize the common interests of all those who live in India and to build nice little bridges to span the gulfs that separate the peoples of different communities, to put religion in its proper position and not import it into politics and to persevere in the pursuit of the noble ideal of evolving a common Indian nationality and a united free India. It is also easy to exaggerate the differences of religion and social customs and to weave separatist theories and slogans and make it impossible for the peoples of the different communities to live together in peace and amity. The choice lies essentially in the hands of Mr. Jinnah and his colleague of the All-India Muslim League. It is obvious that if the Muslim League persists in its separatist policy we must bid good-bye to all our cherished hopes of a united, free India playing its legitimate part in the international world and face the prospects of a bloody civil war in the country.

IX.

There is one more voice, hardly audible at present, but coming in muffled whispers occasionally. It is that of the communist who believes in working for a social revolution as a preliminary to the establishment of a new political order in the country. The communist is convinced that the new political and social order can only be brought about through a violent revolution and through the establishment of a dictatorship of the Proletariat during the transition period. He cannot, therefore, support the idea of an Indian Constituent Assembly in the near future.

X.

From the above discussion it will be clear that under the existing circumstances in the country a Constituent Assembly cannot function in India. But if the separatist tendencies are checked and a democratic solution of the Indian problem becomes practical some time in the future it may become feasible to frame the Indian constitution through a Constituent Assembly. In the meantime, the concept of the Constituent Assembly is useful as an instrument of bringing about "a psychological revolution in men's minds". The real significance of the Constituent Assembly idea is clearly brought out by Pandit Jawahar Lal Nehru in his *Foreword to Mr. Krishnamurty's book, Constituent Assembly and Indian Federation* and I would like to conclude with a short

quotation from this Foreword. Writes Pandit Jawahar Lal Nehru :—

“The demand for such an Assembly is ultimately a declaration of what we intend to do whenever we have the power to do so. That power may conceivably come to us by agreement without a conflict, or it may come after a conflict. Like the demand for independence, this is not the request for a gift from a dominating authority, but a declaration of our objective and will, which may be realized in a variety of ways. Whatever these ways might be, they represent ultimately a recognition of the power of the Indian nation. In the case of a successful revolution, there is a clean slate to write upon. In the event of an agreement, howsoever specific that might be, the slate is not so clean and all manner of difficulties might arise. Those difficulties have to be faced. It must be remembered that the acceptance of the premises of a real Constituent Assembly adds to the strength of the nation. The election and constitution of such an Assembly adds still further to that strength and makes it difficult for external and internal disruptive forces to come in the way of its work.”

THE SCOPE OF LOCAL SELF-GOVERNMENT

(*A study of some schemes for the reform of Local Self-Government.*)

BY

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The object of this paper is to review the essential features of some of the schemes recently put forward for the reform of local self-government in India. The scheme emanated from authoritative sources and the recommendations embodied in them may be taken as indicating the direction in which the institutions of local self-government are likely to be altered in the near future. The author of the first of these schemes is Pandit D. P. Mishra, who was the minister of local self-government in the Congress ministry of the Central Provinces. It is given in his paper on "The reconstruction of local self-government," published¹ in 1938. A little later came the Report of the Local Self-Government Committee appointed by the Congress ministry of the United Provinces.² Subsequent to this appeared the report of a similar Committee in Bombay.³ It may incidentally be noted that Pandit Mishra's paper is not unrelated to the proposals contained in the report of the Local Self-Government Committee of the Central Provinces of 1935. It was while considering the advisability of giving legislative form to these proposals that he had to go thoroughly into the fundamentals of the whole subject. All this shows the large amount of significance attached to this field of administration by the prominent politicians and political parties of the day.

The need for reform.

In every one of the schemes, the need for reform is clearly recognised. In the opinion of Pandit Mishra "Local Self-

¹ Published in the *Local Self-Government Review*, Quarterly Journal of the Indian Union of Local Authorities, Delhi, Vol. II No. 2, April, 1938. References are to the pages of this Review.

² Published in two parts, 1939.

³ Published in 1940.

Government in our province and perhaps in the whole country presents a tragic picture. With few exceptions the financial position of our local bodies is hopeless. 'Inefficiency' and 'local body' have become synonymous terms. Party strife, based not on party programmes but on personalities is rampant. Members of our local bodies waste most of their time and energy and sometimes also public funds over the appointment and dismissal of their employees who are untrained and anything but efficient. The district officials merely occupy the position of irresponsible critics having nothing to do with the day-to-day conduct of business by the so-called self-governing bodies."⁴ According to him all this resulted in some responsible people already advocating the transfer of some of the functions of local bodies to the civilian employees of the provincial government. He is afraid that if this advocacy gains headway over-bureaucratisation will become much more pronounced than at present and it is to avoid the consequent evils that the reform of local self-government is to be immediately taken on hand.

The U. P. Committee uses milder language in its criticism of the working of local bodies but is not less emphatic in pressing the need for their reform. In its view, "It is common knowledge that the existing law and machinery relating to local self-government especially in the villages and smaller towns, has hopelessly failed to develop any civic consciousness or to raise the standard of living of the people residing in those areas."⁵ According to its findings the management of local bodies has given rise to very large dissatisfaction in the public mind. It proceeds to say, "We do not deny that the record of non-official boards in many respects has been comparatively better and more creditable than of boards during the official regime. At the same time, we have to admit that owing to the inherent defects of the constitution under which local bodies have been forced to work, the latter have not attained the required standard of efficiency, with the result that in many cases the working of district and municipal boards has become synonymous with intrigue, incompetence and bankruptcy."⁶

The Bombay Committee is of opinion that although certain evils like nepotism and favouritism are found in the working of local bodies, complaints about them are considerably exaggerated, that few countries in the world are completely free from

⁴ Page 91.

⁵ Part I, para 1.

⁶ Part II, para 6.

these blemishes, and that even in India, they are not peculiar to local bodies but that they only reflect the common standard of public life one comes across generally in other social, political and business organisations.⁷ The Committee lays more stress on the inadequacy of the financial resources of local bodies and regards that an improvement in their finances will enable them to give a better record of work.⁸

It is, thus, clear that in the view of the authors of the schemes under reference the evils that are now affecting the local bodies and contributing to their inefficiency are the outcome of (a) defects in their constitutional machinery and administrative organisation; (b) defects in the character, training and ability of the persons in control of them and of their employees, and (c) the poverty of their finances. The soundness of the schemes should accordingly be judged by the extent to which they succeed in putting forward proposals and measures for removing these defects.

The scope of local self-government.

Before considering the schemes from this standpoint it is necessary to examine a view regarding the scope of local self-government which occupies a central place in the proposals of Pandit Mishra and which is shared to some extent by the U.P. Committee. It is the view that local self-government should be extended to *all* departments of administration within the district and not restricted as has all along been the case to the so-called local services like education, public health and communications. The district council which is the most important institution in the scheme of Pandit Mishra is to be a unit, "both for purposes of local self-government and also for the purposes of decentralised general administration."⁹ He states that for each of the twenty-two departments (excepting a few) into which the business of the provincial government is at present divided there should be a corresponding department in the district council which would be the agency of the provincial government in the district.¹⁰

⁷ Report Paras 151, 152.

⁸ Conclusions regarding the inefficiency of local bodies and the other defects attributed to them rest to-day merely on opinion. Research has to be directed to the collection and analysis of the relevant data which will give scientific validity to these conclusions.

⁹ Page 107.

¹⁰ Page 112. This bears a close analogy to the proposals of Mr. T. Prakasam, Minister for revenue in the Madras (Congress) Cabinet, advocating the creation of autonomous governments in villages for all purposes.

Under this scheme there will be no need for the legislature to draw a list of the functions of local bodies and of the services on which they are to be permitted to spend their funds. Their jurisdiction will extend as much to departments like revenue, police, jails, registration, excise, agriculture, forests, industries and labour as to the departments which they have been administering during the last seventy or eighty years. The district council with its Executive Committee and President will be to the district what the provincial legislature and the cabinet are to the province. These views of Pandit Mishra are echoed by the U.P. Committee (which has in general a high regard for him and which calls him an eminent Indian statesman) in the following words:¹¹ "We strongly feel that if local bodies are to serve as training ground in the art of self-government so that the people may be fit to shoulder still greater responsibilities and play their proper part in the government of the province in the coming years, they must *possess, on a smaller scale, all those functions which a provincial government should discharge.*" The Bombay Committee has not gone to this extreme length but has adhered to the orthodox view of the scope of local self-government and has only suggested the inclusion of a few more selected items within the jurisdictions of local bodies.¹²

Device for securing an efficient executive.

Three reasons have been prominently assigned by Pandit Mishra for what he himself regards as a revolutionary proposal. The first is that it is the only effective device for securing to the local bodies an efficient executive staff; the second is that it alone will cure the disease of over bureaucratisation; and the third is that in no other way will it be possible to create among the masses of people a real interest in administration. Each of these reasons will be examined below in some detail.

According to Pandit Mishra the failure of local bodies to give a proper account of themselves during the period of Mont-Ford reforms (1919—1937) inspite of the wide autonomous powers granted to them is due to their having been denied, "the guidance of expert advice, assistance and active co-operation of the district officials together with the army of other officials at their command."¹³ This denial in its turn was the result of the

¹¹ Part II. para 97.

¹² Chapter VII.

¹³ Page 95.

introduction of dyarchy, the inclusion of local self-government in the list of transferred subjects and its isolation from the general administrative machinery which was under the control of the reserved half.¹⁴ From this, he concludes that this separation must now be abandoned, that all departments within the district should be unified under the control and management of the district council so that the district administrative staff might be utilised by the local bodies to carry out their policies and resolutions. This is the only system in his opinion which is consistent with the abolition of the distinction under the Government of India Act of 1935 between the reserved and the transferred subjects and the introduction of provincial autonomy.

There is a certain amount of confusion in the diagnosis of the situation between 1919 and 1937 made by Pandit Mishra and the remedial measures which he has recommended. It is no doubt true that one of the causes of the inefficiency of local bodies is the absence of a properly trained staff in their service. It is also equally true that steps should be taken to enable them to secure such a staff. But it does not follow from this that the only method by which they can secure a competent staff is to make the collector-magistrate the chief executive officer of the district council and utilize the services of the other district officials and their subordinates. Much less does it follow that the collector cannot be made the chief executive officer unless the scope of local self-government is widened on the lines proposed by Pandit Mishra. There is no necessary connection between the two and each has to be decided on its own merits. Two or three points deserve consideration in this connection. (1) Before the introduction of Mont-Ford reforms local bodies did not control all departments of administration but confined themselves—as they do at present—to the management of a few local services. But this did not stand in the way of the district executive staff being employed by them for carrying on their work wherever this was found to be convenient. This system may be restored if that is found to be the only or the best alternative open to local bodies in future. There is nothing novel or strange in such an arrangement. Even in federal states where there is

¹⁴ Contrast with this the view expressed by the Indian Statutory (Simon) Commission: "The establishment of dyarchy has not meant that District Officers are exclusively concerned with one side of provincial administration; in the ordinary case, a District Officer has work to do both for members and for Ministers. He may well find that his work brings him more into contact with ministers than with members." Vol. I, Para 318.

so much of jealousy between the centre and the parts a common administrative staff is in some cases employed for executing the laws of both governments although there is a division of powers between them. Similarly the maintenance of a distinction between local and provincial services need not stand in the way of the creation of a unified civil service for administering both classes of services. (2) Pandit Mishra is also mistaken in thinking that the removal of the Collector from the position of the chief executive officer of the district board or council is due to the introduction of dyarchy. It has in reality a longer history behind it. Non-official opinion has for a long time, even before 1919, felt that local self-government cannot become an accomplished fact unless the Collector was dislodged from that position.¹⁵ This opinion was also reflected in the famous resolution of Lord Ripon¹⁶ which advocated the control of local bodies from without instead of from within and it found expression in several other resolutions issued by the central government from time to time and in other official reports. (3) Besides this, it should be noted that the restoration of the Collector to the position of the chief executive officer is not the only way by which the district council can secure an efficient executive in future. There are alternative methods available and they are free from the objection legitimately raised against the district magistrate becoming its chief executive. The U.P. Committee which agrees to a great extent with Pandit Mishra in regard to the evil effects of dyarchy has in fact offered a quite different solution for the problem of creating an efficient staff,¹⁷ while the Bombay Committee favours in principle the continuance of the *status quo*.¹⁸ Even the Indian Statutory (Simon) Commission whose authority is quoted in this connection by Pandit Mishra did not advocate the reinstatement of the Collector. It only declared that local bodies in India should realise the importance of having a competent and well-paid non-official analogous to the English Town Clerk or Clerk to the County Council and also organising a class of skilled professional administrators.¹⁹ All this goes to show that the first argument advanced by Pandit Mishra in favour of the expansion of the scope of local self-government rests on unsound foundations. Such an expansion is not necessary for securing a competent executive staff.

¹⁵ Traced in Chapter II of the Author's *The Development of Local Boards in the Madras Presidency*, 1938.

¹⁶ Para 18.

¹⁷ Paras 42, 43; 143—150.

¹⁸ Paras 178—181.

¹⁹ Para 350.

Remedy for over-bureaucratisation.

The second argument put forward by Pandit Mishra in favour of his contention has now to be examined. He has stated as his view that, "what we suffer from to-day is the evil of over-bureaucratisation in the entire governmental machinery from top to bottom. It is not only the people who are the victims, but even the highly trained civil service staff also gets affected by the evils of bureaucratisation and loses its original efficiency, and, in course of time, all touch with the evergrowing realities."²⁰ He has tried to strengthen his argument by referring to the opinions of eminent writers like Bryce, the Webbs, and Cole on the evils of bureaucracy and the blessings of local self-government. In this the U.P. Committee is mostly in agreement with him.²¹

There is an important element of truth contained in the above argument of Pandit Mishra though it is only partial and does not lead to the conclusion which he draws from it. It is now more or less a truism to say that government should be carried on in accordance with public opinion which should have a place of supremacy in the formulation of political ends, policies and programmes while the administrator, the specialist and the expert civilian should be called in only for suggesting ways and means for the realisation of these ends and for the actual execution of policies and programmes decided upon by the people and their representatives. This is the general view accepted by all those who believe in democracy and the three schemes under consideration are based upon such belief. It is also equally a truism that the remedy for bureaucracy is not amateurism or government by elected lay men and that pure amateurism is as harmful as pure bureaucracy. What is required is a harmonious combination of the two. While in connection with his first argument Pandit Mishra draws attention to the evils of amateurism he is now drawing attention to the evils arising from bureaucracy. It is his contention that if in the field of public health, education and communications which have already been made over to locally elected bodies, the ultimate control of public opinion is found to be necessary and desirable there is no reason why it should not be equally necessary and desirable in the field of revenue, excise, registration, forest and other departments.

In examining the validity of this contention notice should, however, be taken of two or three points of some importance.

²⁰ Page 98.

²¹ Part II. page 54.

In the first place, overbureaucratisation is to-day not of the same character as it was a generation ago when attention was drawn to it by the late Mr. Gokhale and the non-officials that gave evidence before the Royal Commission on Decentralisation in favour of establishing district advisory councils as a check on the autocracy of the Collector—a suggestion which forms the basis of Pandit Mishra's scheme. Several changes have come over the country in the interval. The introduction of responsible government into the provinces is the most important of them. All district administration has now to be carried on in accordance with the opinion of the provincial electorate as reflected in the provincial legislature and the cabinet. Officials in the district are subject to the control of the ministry and to this extent there is a limit to their bureaucratic tendencies. Each district has also a number of representatives on the provincial legislature and they are making it a point to watch the way in which departments are being administered and bring to the notice of district officials and their controlling heads at the provincial capital any defects that they happen to observe. The ministers themselves tour in the districts much more frequently than the members of the provincial government did in the past, find out the grievances of the local public and make the officials take appropriate action in redressing the grievances. The activity of the press is also a feature which is becoming more and more significant in this connection. Moreover, owing to the growth in the means of rapid communication the provincial government is much nearer the inhabitants of the district and any organised opinion of the locality is able to make its influence felt in the day-to-day administration of public affairs. The officials themselves realise all this and they are becoming—whether they will it or not—more responsive to the opinion around them. All these are factors which mitigate the evils arising from bureaucracy.

Pandit Mishra and men of his way of thinking not only do not attach sufficient importance to these factors but also fall into the mistake of suggesting a simple solution for what is really a highly complicated problem. In their opinion the management of all branches of administration in the district by the district Council and its Executive Committee will solve the whole question. But it is not really so. The questions for which we have to get an answer are, "what kind of local machinery and organisation should be set up for administering the different departments of governmental work? Is the same kind of machinery suited to all departments or should it vary from department to department? Is public opinion to be associated in every case? Is it appropriate

at all stages of administrative action? If public opinion is to be associated what is the public whose opinion is relevant in each case? Should the opinion be mandatory in respect of every department or may it be advisory in certain cases?" Unless answers are found separately for each of these questions the problem of removing the evils of bureaucracy cannot be solved. Each department of administration has, therefore, to be separately studied from these standpoints and the nature of the local machinery best suited for its efficient working has to be separately determined.

It is not proposed to undertake this difficult and complicated task here. Attention will only be drawn to two or three points to illustrate the thesis put forward. The revenue department is one of the most important departments in a district. In Pandit Mishra's scheme it is to be transferred to the district Council for administrative purposes. This means that the responsibility for the collection of revenue and for the grant of remissions will have to be shared by the Collector and the Executive Committee of the district Council. It is well known that the assessment on each plot of land is fixed after elaborate calculation and the whole scheme of land revenue for a district is approved by the provincial government. Detailed and minute instructions are also issued by the latter in regard to the time and manner of collection so much so that very little discretion is left to the officials engaged in actual collection. In a case like this there is no room whatever for any council or committee to give advice or instructions to the collector. If collections are to be made in accordance with such advice there is a danger of collections falling, arrears accumulating and remissions being granted on a liberal scale. It is considerations like these that are responsible for handing over to an independent agency the work of collecting even municipal taxes and local cesses. At the stage of collection public opinion is irrelevant and mischievous. It is appropriate only at an earlier stage when the scheme of land revenue and the principles of taxation of land are considered and decided upon by the provincial legislature or the executive as the case may be. Moreover even at that stage the opinion that should weigh is not that of the inhabitants of a particular district but of the whole province. Land revenue is a source of income to the provincial government. The efficiency and credit of this government and therefore the welfare and the prosperity of the people of the province as a whole depend on it. The principles and methods of assessment should be uniform and not vary from district to district. From all this it follows that there is nothing gained by associating an elected council with the

collector in the administration of the department of revenue. The same is true of excise. And in departments like registration where the work is mostly of a routine character there is no place for public opinion.

The position of departments such as co-operation, fisheries, industries and labour is slightly different. Here, the community or the public whose opinion should act as a check against the bureaucratic administrator is not the general community of the district. It is what may be called the special community or public which is directly affected by the work of these departments. The wider public has only an indirect or remoter interest in them. For instance, the Co-operative Department should be guided by the opinion or organisations like the district bank, the department of industries by that of the different classes of artisans and the department of fisheries by the opinion of the fishing interests. No purpose will be served by these departments being brought under the control of an omnibus authority like the district council consisting of persons with no particular knowledge of any of these subjects or interest in any of them. A similar observation may be made in respect of departments like agriculture and forests in so far as they are engaged in the technical work of research and experiment. If any public body is to be associated with them it should be a body of experts conducting similar research in Universities and other educational centres. In some cases an adequate purpose is served by attaching a small advisory body to institutions managed by officials. The advisory committees associated with the administration of hospitals, schools, prisons and other institutions are of this kind. Finally, there is the question of areas. It happens in several cases that the elected body that should serve as a check against bureaucratic administration should be chosen from an area smaller than the revenue district and sometimes bigger than it. The irrigation and forest panchayats found in some provinces belong to the first category; and if for purposes of electricity or traffic regulation special areas have to be created they must be bigger than the existing districts in most cases and the elected authority, if any, should be chosen from the bigger area.

Even in a country like England famous for her traditions of local self-government there are many departments of administration which work through local organisations independent of the county council or other locally elected authorities. The metropolitan police which protects life and property in the London area containing nearly twenty per cent of the total population of England is under the control of the Home Office and not of the

London County Council. The police in counties are under the management of an *Ad Hoc* Committee consisting of the representatives of the County Councils and justices of the quarter sessions. Neither factories nor prisons are administered by local bodies. The administration of medical benefit under the National Health Insurance Act is in the hands of local Insurance Committees consisting of the representatives of insured persons, the medical profession and local bodies along with the nominees of the Ministry of Health. The labour exchanges, the local war pensions committees and the local advisory committees of the Unemployment Assistance Board are also of this class. Above all, there has been in recent years a movement in favour of the creation of a number of statutory bodies working independently of public opinion not merely of particular localities but also of the parliament. Several departments of administration have been placed in their charge. The British Broadcasting Corporation, the Central Electricity Board, the Forestry Commission and the Agricultural Marketing Boards illustrate this feature. These organisations have agencies in particular local areas to carry on their work but they are not the omnibus elected authorities of the locality. For example, the consultative committees of the Forestry Commission include representatives of County Councils, of labour, of societies interested in Forestry and of woodland owners. No committees are attached to the foresters administering the major territorial units or to the district forest officer who is in charge of minor subdivisions. The Agricultural marketing Boards in each important area consist mostly of the representatives of the producers of particular commodities. The Area Traffic Commissions regulating the motor-bus and the motor-coach services consist of three members appointed by the Minister of Transport.²² Examples need not be multiplied. Enough has been said to show that even in England there is no adherence to the principle that all departments of administration in a particular area—the County for instance—should be included within the jurisdiction of the territorially elected authority in it. There is any amount of variety in the nature of the local agency utilised for the purpose.

Pandit Mishra is himself not unaware of the complexities of the problem and the difficulties that arise in giving practical effect to his view. It is because of this that in working out the details of his scheme he is compelled to draw a distinction between

²² Details regarding the organisation and working of these bodies are found in the *Public Enterprise*, edited by Dr. William A. Robson, 1937.

some departments and some other departments. The twenty two departments of administration are classified by him under four heads: (1) those which are to remain wholly provincial; (2) those of which all the sub-heads may be transferred to the district council for administrative purposes; (3) those of which only certain sub-heads should be so transferred and (4) those which may be transferred for autonomous purposes. This classification is in other words a recognition of the validity of the traditional distinction between local and non-local services on which the whole concept of local self-government is built, and demonstrates the untenability of the general theory enunciated by Pandit Mishra. Two or three other issues also arise out of this classification. The distinction between sub-heads transferred only for administrative purposes and those transferred for autonomous purposes is in the light of contemporary tendencies in almost every country a distinction without a difference. In one case the district council is considered to be merely an agency of the provincial government having no more than advisory powers. "The difference would be that while at present it is only the district officials who carry on the administration in the districts on behalf of the provincial government, under the proposed scheme it would be the district officials and the district executive committee working together and in co-operation that would be the agency of the provincial government for district administration."²³ In the other case the autonomy of the district Council would be complete and the provincial government would exercise no more than general powers of supervision and control. Pandit Mishra is not an advocate of any relaxation of the control now exercised by the provincial government over local bodies. It will continue in its present form even after the establishment of the new district council. But any one who analyses the nature of this control to-day cannot fail to come to the conclusion that it is so minute that local bodies have little claim to be regarded as autonomous in any sense of that term. As a matter of fact, the age of local autonomy is over. It is as dead as the nineteenth century doctrine of *Laissez Faire and Individualism*. The relationship between provincial government and local bodies in our country has been one of unequal partnership. It is becoming so in several other countries under the name of Integration.²⁴ Referring to the conditions in England an eminent authority has remarked thus: "The result of these methods of control is to make the central

²³ Page 112.

²⁴ Finer: *English Local Government*, pp. 9—14.

government an essential factor in what is still called 'local government.' Foreign commentators on our system continue to speak of England as a country of 'local self-government.' It is clear that it is nothing of the kind."²⁵ Under circumstances like these the district council is bound to be an agency of the provincial government not only in regard to sub-heads transferred for administrative purposes but also in respect of those transferred for autonomous purposes. Moreover, under the scheme formulated by Pandit Mishra this transformation is inevitable in as much as the council will be called on to administer services which are regarded as local in the traditional sense but also those which are provincial in character in the efficient management of which the provincial government has a direct and immediate interest. There is also another point deserving of consideration. If in respect of certain sub-heads the district council is to be merely an advisory body the question that arises is why advice should be given in every case by the omnibus authority. We can think of advisory bodies constituted on a more appropriate basis as has already been pointed out above.

The observation made by Pandit Mishra that sub-heads transferred for administrative purposes shall in future be administered jointly by the district executive committee and the district officials concerned is sure to lead to a dangerous situation. Responsibility will become divided and friction between the committee and the civilian official will be on the increase. It will result in delay of action or in undesirable compromises. It will give opportunities for subordinate officials to play one body against the other and undermine discipline and efficiency. The further recommendation made by Pandit Mishra that where there is an agreement between the Executive Committee and the district officials the provincial government should have no power of interference—even in matters transferred only for administrative purposes—is also fraught with serious consequences. In matters of importance to the province as a whole the final decision should not be left under any circumstances in the hands of local authorities. This bears no analogy to the doctrine of fiscal autonomy in relation to the Secretary of State for India when there is agreement between the Indian Legislature and the Governor-General in Council.

So far as the classification of the departments of administration is concerned there is a large amount of agreement between

²⁵ Dr. W. Ivor Jennings in *A Century of Municipal Progress*, 1935. Page 450.

Pandit Mishra and the U. P. Committee, and the latter also advocates the constitution of a district council to be associated with the Collector-magistrate and the other district officials in all matters of administration. But this council is different from the District Board which is to be the elected district authority for administering the local services—the services of an autonomous character in the classification of Pandit Mishra—and is composed of elected non-officials and an ex-officio element of some district officials with the Collector-magistrate as its president.²⁷ In spite of this difference both Pandit Mishra and the U. P. Committee are definitely of opinion that some institution is required to check the evils of bureaucracy and the despotic powers of the Collector.

The Collector as the target of attack.

Underlying the specific arguments advanced by Pandit Mishra and the U. P. Committee in support of their views on the subject of district administration there exists a strong feeling that the Collector should be brought down from the exalted position he has been occupying in the district for the last one century and more of British rule. He has been all these years the administrative as well as the political head of the district and regarded as the living symbol of foreign domination. It is true that in recent years the number of separate departments of administration for services like Engineering, Forest, Agriculture, Co-operation, Education, etc., has been on the increase and that the heads of these departments in the district are controlled not by the Collector but by their own departmental chiefs at the provincial capital. But this has not affected the position of primacy occupied by the Collector. His power, prestige and influence have not diminished to any appreciable extent. He continues to be, “the real executive chief and administrator of the tract of country committed to him, and supreme over every one and every thing except the proceedings of the Courts of justice,” a conception of his office as it became established after a number of experiments.²⁸ To dethrone him from this position has been one of the aims of the political struggle in the country. Pandit Mishra and the U. P. Committee have not lost sight of this; and this partly explains their proposal to bring the whole of the district administration under the control of the elected council and make its president the head of the district and its first citizen.²⁹

²⁷ Part II. Para 54.

²⁸ *Indian Statutory (Simon) Commission Report*, Para 308.

²⁹ Pandit Mishra's Scheme. pp. 111—12.

In examining this attitude towards the office of the Collector it is best to separate the administrative from the political issue. Administratively the question that arises is whether there is need for a general district officer in addition to the heads of particular departments working in the area. There seems to be such a need and that for two reasons at least. In the first place, there are many functions of administration in each district which cannot be brought specifically under any one of the separate departments. With the growth in the activities of government the number of such functions of a miscellaneous character is bound to increase. Each of them by itself may not be sufficiently important to deserve a separate head, but taken together they may have a considerable amount of significance. There should therefore be a general district officer to manage all such work. In the second place, it is necessary to bring about co-ordination among the different departments of administration within the district so that they might work in harmony and co-operation. Sometimes it happens that action taken in one department produces adverse effects on the work of another department; sometimes it may be that a particular course of action has to be adopted by one department if another department has to achieve success in its programme of work. There must, therefore, be some agency in the district for bringing about this kind of co-ordination. At present, it is all effected through the agency of the Collector. As the collection of revenue has been regarded as one of the most important functions of government in British India the Collector who is the head of the department of revenue has been naturally charged with the work of co-ordination. Successful work in his special department depends on the co-operation of the engineering and irrigation departments which are in charge of the sources of water supply. It equally depends on the facilities provided by the forest department for the grazing of cattle, the co-operative department for the supply of cheap credit to the cultivators and the agricultural department for introducing improved methods of farming. Departments which have to deal with marketing and with roads and other means of communication are also of great importance in making it easier for the revenue officials to collect revenue. It is because of considerations like these that the collector has acquired certain general powers of supervision over the other departments in the district.³⁰ No one can dispute the need for such a co-ordinating agency.

³⁰ *Handbook of Information on the Administration of the Presidency of Madras, 1939.* Pp. 48—51; also *Report of the Indian Statutory (Simon) Commission* Vol I. Para 316.

The point raised by Pandit Mishra's scheme is whether this work of co-ordination should be taken away from the Collector and handed over as proposed by him to the District Executive Committee and its elected president. There is nothing preposterous in this proposal as co-ordination in the sphere of the provincial and central governments is effected through committees—in one case the cabinet and in the other case the Viceroy's Executive Council. But one feature in the field of district administration suggests the desirability of some officer like the Collector being the co-ordinating agency. Within the district co-ordination is required much more in matters of administrative detail than in questions of policy and planning. It can therefore be better achieved through an officer experienced in administration than through a political committee or head holding office for short periods and amateur in their character and outlook.³¹ The movement in England in favour of making the Clerk of the elected Council a sort of Co-ordinating Officer and the spread of the city-manager and the County-manager system in the United States lend some support to this view though conditions in those countries are not exactly parallel to ours.³² There need not, therefore, be any attempt to deprive the Collector of his functions as a co-ordinating officer. In that capacity he fulfils an important administrative purpose.

The autocracy of the Collector has very little to do with this aspect of his position. He is autocratic not because of the co-ordinating powers which he possesses and which some body else should have if not he—but because of the combination in him of the chief administrative and magisterial authority of the district³³ and the control which he exercises over the police department with its vast powers of interference with the liberty of the individual. Whether so much authority should be concentrated in a single officer is purely a political question the answer to which will depend on the view one takes of the general situation in India and the psychology of her people. To the Anglo-Indian and to the majority of British observers India is the home of communal riots and dacoities; it is, "a country where crime is unfortunately so rife, and where breaches of the peace of the most serious character may arise at the shortest notice, that the head of the district administration should be sufficiently armed to be able to deal effectively with the danger of upheaval and outbreak."³⁴ They

³¹ Co-ordination and planning in a local authority.

³² Finer: *English Local Government*, pp. 233—40.

³³ *Report of the Indian Statutory Commission* Vol. I. Para 318.

³⁴ *Ibid.*, Vol. I, Para 319. E. S. Blunt: *The I.C.S.*

are also of opinion that the great mass of the Indian people desire personal rule and nothing else.³⁵ From these the conclusion is drawn that for years to come the autocracy of the Collector—which is euphemistically called his wide discretion—should have to be continued.³⁶ But whether this view is correct or not the remedy for the Collector's autocracy is not to associate with him an elected committee. Such a committee is bound to hamper all executive action and cause vacillation and delay. The separation of the executive from the judicial authority and the reduction of the powers of the police are the proper remedies for the despotism of the Collector. Reform of local self-government is hardly the solution for the problem.

The importance of popular interest.

A third reason assigned by Pandit Mishra for the expansion of the sphere of local self-government is that it is necessary for stimulating the interest of the masses in political and administrative questions. It is his complaint that in the past autonomy was given to local bodies only in respect of matters which were completely divorced from the major political and economic issues that were vital to them and in which they were interested; and because of this it was that the politically conscious intelligentsia did not feel enthusiastic about local bodies. Their attention was absorbed in finding solutions for the major political and economic problems.³⁷ From this he has drawn the conclusion that if the masses are to take interest in local government and if it should be conducted by the right sort of leaders local bodies should be entrusted with control over all departments of administration which will of course include the major ones.

No one will deny the truth of the proposition that there is no use in asking a group of people to administer a department or a service in which they are not vitally interested. It will result in indifference and even negligence. It is also on this truth that the traditional distinction between local and non-local services rests. It may be said that the whole case for associating popular representatives with administration assumes that in certain spheres of executive work success depends on factors like enthusiasm, sentiment and zeal and that efficiency which in ultimate consists in the production of the results desired can be secured only when these

³⁵ Blunt: *The Indian Civil Service*, p.

³⁶ *Report of the Indian Statutory Commission* Vol. I, Para 322.

³⁷ *Ibid.*, p. 104.

factors are utilised. But the acceptance of this truth does not lead to the conclusion drawn from it by Pandit Mishra. What it requires is that a process of selection is necessary when it is proposed to devolve any administrative functions on local bodies. They are not fit to manage any and every service. And because the selection made in the past was not of the right kind Pandit Mishra now wants no selection at all. This is what his conclusion really comes to. There are also two or three other serious defects in the position taken up by him. If what he says about the intelligentsia is true there is no need to think of the reform of local self-government until the major problems are solved. Moreover, he has not specified what those major issues are in which the masses are interested. If he has in mind issues like Swaraj it should be recognised that these are issues which can never be settled through the action of local bodies and there is no chance whatever that at any time they will be transferred to them. Perhaps he means by these major issues all those departments of administration in the provinces—departments like revenue, police, jails, etc.—which have not been made over to local bodies. But there is nothing to show that the masses are more vitally interested in these and that they wish to administer them. There is also no ground for regarding them as major issues except the fact that they have not been transferred to local bodies. Education, public health and communications are not departments of minor importance to a community. They are of quite as much significance in promoting the welfare of a people as the so-called major departments. Moreover, interest in political and public affairs is not inborn among the masses of people. It depends on education and the general atmosphere prevailing in the country. It has in many cases to be stimulated from outside. It depends upon the work of the leaders. There is also the further consideration that the interest which the masses have in a subject is not the only criterion for including it in the sphere of local government. Other factors—financial and administrative—have to be taken notice of and it is found in many cases that the service can be more efficiently administered by the provincial or the central government. It may also be noted that even in countries like England the masses of people are less interested in local than in national politics. There is so much complaint about their apathy and indifference.³⁸ But no one has argued from this that national questions should be handled and settled by local authorities.

³⁸ Finer: *English Local Government*, pp. 17—19.

From the above examination of the three grounds put forward by Pandit Mishra in support of his thesis the one conclusion that emerges is that in determining the agency that has to be set up in any local area for administering the different departments of governmental work the territorially elected district council or any other local body similarly constituted need not be invariably preferred. This conclusion receives additional strength from one other consideration of great importance. It has been a widely accepted maxim that on local authorities should primarily rest the obligation to finance all those services which they are empowered to administer and that if in respect of any service they receive a grant-in-aid from the provincial government the latter should exercise corresponding control over them. This is a healthy maxim in so far as it couples power with responsibility. The principle enunciated by Pandit Mishra is quite contrary to this. It gives to local bodies power to manage many departments without throwing on them the obligation to raise the funds required for the purpose; and this divorce of power from responsibility is sure to lead to disastrous consequences. It will either ultimately kill local autonomy or make the whole system of administration loose and inefficient and bring about disintegration of a most harmful character.

Judicial Panchayats and benches.

While the U.P. Committee has not gone to the length of recommending that all departments of administration should be brought under the management of the territorially elected district board it has expressed the opinion that the functions prescribed at present for local bodies are inadequate and recommended the inclusion of a few more.³⁹ Among these, the important ones are (a) the administration of civil and criminal justice, (b) the maintenance of a police force and (c) enquiry into and making report about the misconduct of certain officials. It has also advocated that the management of elementary education should continue to be in the hands of district and municipal boards and that all affairs connected with rural development should be handed over to the former. There has been a certain amount of controversy regarding the discharge of these functions by local bodies and a brief reference will therefore be made to the issues involved.

In the case of justice a distinction should be drawn between the Adalti or judicial panchayats which the Committee has recom-

³⁹ Part II. Paras 27—32. ~

mended for being set up in villages and town areas for disposing of civil and criminal cases of a petty character and the judicial benches to be set up in each Tahsil and District headquarters and in each municipal area. There is nothing novel in the first proposal; for, rightly or wrongly the opinion has been held for a long time that village Panchayats should be entrusted with this kind of work and this opinion has been given legislative effect in almost all provinces. The second proposal, however, is a new one. It aims at substituting these judicial benches for the existing regular courts of district munsiffs and magistrates. The Tahsil Bench is to have jurisdiction to try third class criminal cases and civil suits up to the value of Rs. 500; the district and municipal benches are to try second class criminal cases and civil suits up to the value of Rs. 1,000. The method of appointing these benches is laid down as follows: "subject to such rules as may be prescribed the judicial bench should be appointed by the Provincial Government out of a panel to be elected in the case of a tahsil bench by the members of the pargana committees belonging to the Tahsil, in the case of a district bench by the district board, and in the case of a municipal bench by the municipal board".⁴⁰ The five members constituting the panchayats in villages and town areas are to be nominated by a selection committee consisting of the district magistrate, the chairman of the district board and the chairman of the pargana committee out of a panel of ten persons elected by the members of the administrative Panchayat of a village or group of villages over which the judicial panchayat has jurisdiction.⁴¹ Two questions arise in this connection. One is whether it is desirable to replace the existing regular courts with benches the members of which owe their position ultimately to election; the other is whether even in respect of village panchayats traditional opinion is a sound one and whether there is no other alternative which will more effectively serve the purposes for which these panchayats have been advocated.

So far as the first of the above questions is concerned it is to be noted that the Committee has not given any arguments in support of its novel recommendation. There has so far been no complaint about civil justice as administered by district munsiffs in the regular courts. These officers are known to have a sound knowledge of law; they are recruited after careful selection by High Courts or public service commissions; they hold their office

⁴⁰ Part II. Chapter X—155.

⁴¹. Part I. Chapter V.

on permanent tenure and their emoluments are fairly high. They therefore possess all the qualifications which judicial officers are expected to have and there is no reason why they should be replaced by judges who are practically elected. The system of recruiting judicial officers through election—though in the present case the election is indirect and coupled with nomination—has been universally condemned and there is nothing to show that it will yield better results in India than it has done in the United States where it is very much in vogue.⁴² As regards the disposal of criminal cases by the salaried magistrates of the present day the complaint has been that they combine in themselves both executive and judicial authority and are the direct subordinates of the district Collector. The remedy for this is to separate the judiciary from the executive but not the creation of courts consisting of elected judges. It should also be noted that this innovation recommended by the U. P. Committee has been opposed by certain of the members on it.

Tradition as well as recent practice have favoured the constitution of village Panchayats to dispose of petty civil and criminal cases. But even here there are a few points that deserve consideration before the practice is made universal as recommended by the U. P. Committee. (1) Pandit Mishra who is an ardent advocate of the doctrine of local self-government is dead opposed to this system. According to him, "Experience has shown that owing to these powers (the judicial powers of the Panchayats) party factions on personal lines have increased in villages and a number of Panchayats have degenerated into instruments of oppression. The judicial work can be entrusted to Honorary Magistrates who should be precluded from membership of local bodies".⁴³ (2) Some members of the U. P. Committee itself have opposed this recommendation on the ground that it is not a legitimate duty of village Panchayats, that elected judiciary can never be a success, that it will be used to entice persons from one political party to another, that it will be abused for other partisan purposes and that in old days Panchayats were more or less informal in character and not elected.⁴⁴ (3) The argument that the administration of justice by Panchayats has

⁴² W. F. Willoughby: *Principles of Judicial Administration* P. 361—364.

W. B. Munro: *Municipal Government and Administration* Vol. II. P. 213.

⁴³ *Ibid* p. 121.

⁴⁴ Notes of dissent in Part I of the *U.P. Committee Report*.

the support of history behind it has very little value to-day. In old days almost all functions of government were discharged by village institutions as there was no other alternative. In the absence of rapid means of communication it was impossible for a distant central government to directly administer any service in the village. The villagers had either to go without the service or make some arrangement themselves for securing it. Conditions to-day are quite different. There is room for the choice of appropriate agency for discharging a governmental function and what we have to consider is whether the Panchayat is an appropriate agency now for the administration of justice. (4) Parish Councils in England or the Communes in France do not exercise any judicial functions. And in the United States the system of having justice administered in Townships and counties by elected judges has not been found satisfactory.⁴⁵ (5) The problem for which a solution has to be sought is a purely judicial one. The complaint to-day is that people living in villages are put to much expense and delay even when the disputes in which they are involved are of a petty character and even though the facts are clear and the law to be interpreted is simple. They are compelled to resort to courts which are at a long distance, which follow a complicated procedure and which demand prohibitive costs from the litigants. Many, therefore, are discouraged from seeking a remedy through such courts even when they have a just cause. There is also the incentive which they give to witnesses to perjure themselves when they find that they are far away from their neighbours whose opinion they value. It is these evils in the administration of justice that have to be remedied. What the villager requires is justice which is cheap and quick and which is administered nearer to his place of habitation.⁴⁶ It may also be observed that this is not a problem peculiar to India. It is a universal one. The solution has been found for it in other countries in a variety of ways. Systematisation of the methods of conciliation and arbitration, the introduction of summary methods of trial the establishment of special courts for small claims are some of the reforms effected in other countries. They require careful study and they are more effective in giving to the villagers

⁴⁵ W. S. Carpenter and P. T. Stafford: *State and Local Government in the United States*, pp. 83-84.

⁴⁶ The whole question is critically studied in the *Report of the Committee appointed by the United Provinces government in 1916 to consider the possibility of introducing an elementary system of panchayats*. *The U. P. Gazette*, September 2, 1916, Part I.

the cheap and quick justice they need.⁴⁷ (6) It should also be noted that the superiority of the Panchayat courts consists not in their being presided over by persons elected by the local inhabitants but in their adopting summary methods of procedure, dispensing with numerous formalities, prohibiting the appearance of advocates, and trials being conducted in the presence of the village public who know the facts and for whose opinion the parties and witnesses have a high regard. All these features can be introduced into courts without the bench being elected. (7) A system of honorary or stipendiary magistrates and judges going on circuit from one group of villages to another, linked up with the general judicial organisation of the province is much better than the system of Panchayats. This has already been introduced in a way into the United Provinces. The problem to be tackled is not one of local self-government but of the administration of justice. Taking all these together, it may be concluded that there is a case for revising the ideas usually held about the efficacy of judicial panchayats.

The Police

The U. P. Committee has recommended that, "every district and municipal board should be required to have its own police force for the purpose of (1) protecting public property, (2) preventing and suppressing nuisances, (3) controlling traffic, (4) enforcing rules, regulations, bylaws and orders issued under the Act (creating local boards), and (5) co-operating in the maintenance of public peace and safety."⁴⁸ These police forces are to be in addition to the force now maintained by the provincial government. Several grounds have been put forward in favour of this recommendation. One such ground is that even at the present time practically every village has its own non-official watchmen on a voluntary basis, who survey the fields and report any loss or damage to the crops and that the committee is only proposing to put this on a systematic and organized basis. But the defects in the present arrangement or the need for change have not been clearly demonstrated. There is always the danger that a system which works well on a voluntary basis with all its flexibility may fail when it is made compulsory. A second ground put forward in this connection is that in European countries, local bodies are maintaining their own police and that

⁴⁷ W. F. Willoughby: *Principles of Judicial Administration*, Chapters IV, V, XXII and XXIII.

⁴⁸ Part II Para 30.

even in the United Provinces the practice prevailed in municipal areas between 1865 and 1905. This however is no conclusive argument in favour of introducing a system of local police into India to-day. European countries are continuing an old tradition with all its drawbacks: here the committee proposes to bring about a change in the existing system. Moreover, local control of the police is not the universal practice in Europe. The police departments of the larger cities—not only of the capitals but also of the great commercial and industrial centres—are under state control.⁴⁹ Even where local bodies maintain police forces of their own the control exercised over them by the central government has become so close and strict that for all practical purposes the police may be said to have become national in character. This has been welcomed as a centralised force is more efficient and more economically administered. In the special conditions of India the superiority of a centrally controlled police has been brought out by J. C. Curry in the following words: "There is one great advantage in the organization of the police force on a provincial as opposed to a mere local basis. It makes for co-ordination and economy. Co-ordination is of great importance for the purpose of dealing with criminals whose operations extend over large areas. This is obviously the case with individual criminals, and, *a fortiori*, with the gangs of robbers called dacoits with whom the Indian Police are constantly called upon to deal. Economy results, since large scale operations are often necessary to deal with social unrest which finds expression in tumult and crime, and may extend over the whole or the greater part of a province."⁵⁰ If there is any force in the contention of the Committee that what it proposes is not the substitution of a local for a provincial police but only an addition to the latter the question will have to be considered whether it will not be better to strengthen the provincial police itself and make it more adequate to the tasks it has to accomplish. Otherwise a dual agency and divided responsibility will result.

It has also been argued that the people's representatives should have a hand in the preservation of peace and order and that this is possible only when the police service is localised. There is evidently a certain amount of confusion in this line of argument. A police controlled by the provincial government is

⁴⁹ W. B. Munro: *Municipal Government and Administration* Vol. II, p. 191.

⁵⁰ J. C. Curry: *The Indian Police*. pp. 47—48.

considered by the Committee as not being subject to people's representatives. It may be so if the provincial government is autocratic and local bodies democratic. But to-day the situation is different. The former is constituted on a democratic basis. The members of the provincial legislature and of the provincial cabinet are as much the representatives of the people as the members of the district and municipal boards. The maintenance of peace and order by the provincial police does not therefore mean that the people's representatives have no hand in the matter. The argument put forward by the Committee in this connection is a familiar one and lies at the back of much of the misconception prevailing on the subject of local self-government. That the representatives of the community should have a hand in administration is a proposition which has to be carefully analysed before it can be made use of in practical life. There is always a difficulty in discovering the particular community whose representatives should have a hand in a given case.⁵¹ It is the existence of a common interest and the need and willingness to bear common expenses that make a group of people a community. For purposes of street lighting, the supply of drinking water and the maintenance of parks and reading rooms it is quite possible that the people living in a particular town or village form a community. But in matters of education, protection of life and property the interests of the people inhabiting a wider area—the whole province—may be and are common and as a result of this the people in the province as a whole should be regarded as the community whose representatives should deal with these questions. There is, therefore, no conflict between the principle of self-government and the control of the police by a democratically constituted provincial government.

Another phase of this argument is that the provincial police has not succeeded in preserving peace and order especially during occasions of communal rioting and it can achieve success if the people's representatives on the district and municipal boards are charged with the statutory duty of co-operating with the officers of the government in preserving peace in their respective areas. This assumes that communal riots can be suppressed more easily through the intervention of local instead of provincial and national leaders. But experience has not shown that

⁵¹ W. A. Robson: *The Development of Local Government*, 1931, pp. 59—61.

Lane W. Lancaster: *Government in Rural America*, 1937. pp. 247—58.

those who take part in riots have greater regard and respect for local leaders. There is also nothing to warrant the view that locally raised police forces will more efficiently handle the situation than the provincial police which will be better trained and disciplined. Wherever the latter fails the only alternative is to call in the military. If force has to be used on an increasing scale it is best to bring in the most efficient force available.

Though there is thus no strong case for the maintenance of police forces by local bodies it does not mean that they and their employees have no police functions of a special character to discharge. The primary duty of the police consists in the prevention and detection of crime and the arrest of criminals. In all cases where police action has to be taken to enforce the bylaws, rules and regulations of local bodies it is quite appropriate that their employees are given police powers. They have such powers to-day under the public Health Acts, the Food Adulteration Acts etc., and they may be extended wherever necessary. This is in keeping with modern developments under which special police powers are being exercised by particular classes of public officials like inspectors of factories and of mines and seacustoms. The employees of local bodies come under this category.⁵²

Other Functions

The U. P. Committee has proposed that the Village Panchayats and Town Area Committees should be authorized to "enquire into the misconduct of certain village officials such as peon, bailiff, constable, patwari, canal patrol, amir and vaccinator, where such misconduct has arisen in their official capacity, and to bring the same to the notice of their superiors."⁵³ It has also expressed the opinion that not only is this proposal perfectly innocuous but it is also one which is most desirable as an effective check against the tyranny and corruption exercised by petty officials in the interior. In the course of the last few years it has been revealed that corruption exists in most departments of administration in spite of one hundred and fifty years of British rule. It is, therefore, necessary that agencies should be created and empowered to bring to light as many cases of corruption as possible; and for success in this direction local knowledge is

⁵² W. F. Willoughby: *Principles of Judicial administration* pp. 161—162.

⁵³ Part I, para 14.

essential. No objection therefore need be taken to this proposal of the Committee if it is understood that local bodies will confine themselves to the function of reporting while the actual enquiry into misconduct is made by the departmental authorities concerned.

For some years—and especially after the publication of the Hartog Committee Report on education—local bodies have been held responsible for all the defects in the system of elementary education and proposals have been made to provincialise its administration. The U. P. as well as the Bombay Committee have ably refuted the arguments advanced by the authors of these proposals and made out a strong case for the continuance of the existing procedure under which local bodies are empowered to establish, maintain and manage educational institutions. It is not proposed to dwell at any length on this subject as it has been examined by the writer elsewhere.⁵⁴ It is best that education continues to be included within the jurisdiction of local authorities; and this is all the more necessary in view of the intimate connection existing between education on one side and public health and other social services administered by the local bodies. It is not proper to separate administrative control over functions which are interdependent in character.

The U. P. and the Bombay Committees have also rightly taken objection to the creation of special *Ad Hoc Committees* for carrying out what are known as Rural Development schemes. Village Panchayats and District Boards are engaged at present in administering most of the services on which rural welfare depends. The creation, therefore, of another agency to do more or less the same kind of work leads to unnecessary overlapping and waste of funds. Government, therefore, should abandon this new policy and entrust to local bodies the execution of all rural welfare schemes.⁵⁵

The Bombay Committee has made certain suggestions regarding the transfer of P.W.D. roads and buildings, minor irrigation works, village water supply, control of vaccination, slum clearance, etc., to local bodies. No questions of principle are involved in all these cases and to some of them reference has already been made in another connection.

⁵⁴ Author's *Development of Local Boards in the Madras Presidency*. Pp. 234—239.

⁵⁵ *U. P. Committee Report* Part II, Para 32.

Bombay Committee Report Para 39.

The Importance of Social Services.

In all discussions in India on the widening of the scope of local self-government there is an insufficient realization of the importance of social or public welfare services. There is an impression that functions like the administration of justice and the maintenance of police carry a larger amount of prestige value with them and should therefore be brought under the management of local authorities. This is however a regrettable situation. The scope that exists for local bodies for developing the functions with which they are already entrusted is immense and they are also of the greatest significance in the promotion of the well-being of the people. Elementary education has not yet become universal; there are very few nursery schools and schools imparting technical and vocational education. There is little provision for continuation schools and for the adult education. Reading rooms and libraries can be counted on one's fingers. All this demands that local bodies should devote more of their funds and attention to education over which they have had control for the last seventy years. The scope for the expansion of the public health services is immense. Medical relief of all kinds, maternity and child welfare, school medical inspection, supply of pure water for drinking, slum clearance, town and country planning, prevention of food adulteration, parks and open spaces have not as yet attracted the attention of local bodies to the extent that they deserve. An analysis of the various items included under public health in the budget of local authorities in England and India will show clearly how backward India is in this respect.⁵⁶ The same is the case regarding communications. The need for improving them and extending them into villages is urgent. It is, therefore, necessary for reformers to emphasize this aspect of the matter.

Another important point for students of local government to consider is that the most appropriate field for the expansion of local self-government is that of social services. If any new functions are to be taken over by them it is the administration of a larger number of such services. The history of Western countries shows that when in recent years the state has become transformed from a police organization to a social service institution—a transformation with which students of political science are familiar—it is through the agency of local authorities that effect was given to the new ideas and programmes. The State in India

⁵⁶ See the tabular statement in Finer: *English Local Government*, pp. 35—37.

has not yet been transformed on these lines. Sooner or later this change will have to be brought about and provision will have to be made for the relief of the poor, insurance against unemployment, Health insurance and other services for the relief of different kinds of destitution and suffering.⁵⁷ These are the services in the administration of which a detailed knowledge not only of the conditions in a particular area but also of individual persons in need of help is essential.⁵⁸ Administration in accordance with a rigid uniform rule is impossible and undesirable in these cases. It is also necessary that all of them should be properly co-ordinated and placed under the control of the same agency. It is services like these which touch family and home life most intimately that have become the sphere of local bodies in modern times in all other countries.⁵⁹ And the same will have to be the case in India. When once it is realized that the scope for the expansion of these services is infinite, controversies now carried on in regard to police and justice will lose their importance and local bodies will secure for themselves a field of work in which they can serve the community best. It is such a definition of the sphere of local self-government that is required.⁶⁰

⁵⁷ E. S. Blunt: *Social Services in India*.

⁵⁸ T. S. Simey: *Principles of Social Administration*, p. 4; Chapter VII.

⁵⁹ W. A. Robson in *Encyclopaedia of Social Sciences* Vol. IX p. 583.

⁶⁰ The second part of the paper is devoted to an examination of the constitutional and administrative machinery and the financial changes recommended in the schemes under reference.

CHINA'S WAR OF RESISTANCE AND JAPAN'S DILEMMA¹

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Japan's aggression in China has entered its fourth year, yet China fights on unconquered. The "China Incident" has grown into a vast war. Japan is coming more and more into conflict with Third Party interests. The "settlement" of the China Incident now threatens to involve Japan in the European war on the side of the totalitarian states, which would mean war with Great Britain and probably also with the U.S.A. Thus the China war is involving Japan more and more in a serious dilemma.

The China Incident is far from settled. A million Japanese troops, stretched over a ten thousand mile front, have made little progress in the last year and a half. Widespread and indiscriminate bombing has only increased China's will to resist. Today, China has a larger organized army than she had at the beginning of hostilities, three years ago, and a million guerilla troops have turned Japan's rear into another front.

From Mongolia, from Mohammedan areas, from the tribes people in the south-west and west and from "occupied areas" come delegates with new messages of loyalty to Chungking. Hundreds of Chinese in the employ of the Japanese are loyal to and working for Chungking.

The blockade of the Japanese navy, one of the world's greatest, has also failed to bring about the financial collapse of China. Since November, 1939, Free China has had a favourable trade balance, and the Chinese dollar is again holding its own. Chungking can still borrow money but Tokyo cannot.

¹ The article was written in August, 1940.

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Japan has been forced to admit that the China Incident has become a major war, and that without closing the remaining open ports, including the Indo-China route, the Burma road and the great new highway to Soviet Russia, she cannot defeat China. But to close all these roads to neutral trade without a declaration of war is illegal. It also antagonizes the good-will of the world and threatens the vital interests of China's best friends, America, Great Britain and Soviet Russia.

Thus, Japan's only way of settling the China Incident is involvement in ever greater and more serious "incidents." This is the dilemma of Japan which increasingly baffles every cabinet in Tokyo, and which is no doubt responsible for the recently reported peace offers to Chungking, which the Chinese government is said to have immediately and summarily rejected.

How Japan became involved in this dilemma is the story of Japanese military ambitions plus the story of the China war. For years the Japanese militarists have been teaching their youth that the conquest of Manchuria and North China was necessary to make Japan safe from Communism and Soviet Russia. I, myself, saw maps in Japanese schools teaching this doctrine. The vision of ultra-imperialists included not only Manchuria and North China but all of China, parts of Siberia, Indo-China, the Dutch East Indies and also India.

The present Japanese threat to French Indo-China and the Dutch East Indies is not a new ambition, only a new opportunity. When the Japanese occupied Shantung, they distributed fans on which were maps of Asia. All Asia was the same colour as Japan. The Japanese army, carrying the flag of the rising sun, was marching near the Caspian Sea and under the map were the words in Chinese, "The Imperial Army must win."

In 1931-32, Japan began to carry out her plan for the conquest of China and the control of Asia by occupying Manchuria. In 1937, she withdrew all nationals from China and began the present invasion. Her demands were practically a repetition of the 21 Demands of 1915, and if accepted would have meant a Chinese government subservient to Japan, as well as the economic and political enslavement of the Chinese people.

The Japanese militarists deceived the Japanese people into believing that the China Incident, as they called it, would be only a few weeks affair or at most three months, and that it would result in a government in Nanking, friendly and obedient to Japan, thus giving Japan great economic advantages as well as security against Soviet Russia.

The China Incident has become a great war. For three years, China, unprepared, has courageously and successfully resisted the whole military might of a great world power. The battle for Shanghai, instead of resulting in capitulation of China, resulted in exploding the myth of Japanese invincibility and in raising the prestige of China's fighting forces.

Only by using the whole might of her army, navy and air force, and after four months' fighting, was Japan able to occupy Nanking. The Chinese government withdrew to Hankow and the rape of Nanking again lowered the prestige of Japan and also destroyed the belief that Japan had a well-disciplined army. Contrary to Japanese expectations, China did not ask for nor accept Japan's offers for peace.

In another year, Japan had a million troops in China, as well as half a million casualties. She determined to settle the China Incident once for all by occupying the triple city of Wuhan (Hankow, Hanyang and Wuchang) and Canton at the same time, thus hoping to suffocate China by occupying both ends of the Hankow-Canton Railway. Not an army, not even one general surrendered. The Chinese government withdrew beyond the gorges to Chungking and fought on.

China was trading space for time. She had plenty of both. Japan could not end the China Incident and was becoming more and more involved in conflicts with third party nations. The China Incident had become a great war and the war was fast becoming a dilemma for Japan.

The fourth period of the war began with the Chinese retreat from Wuhan and Canton in the autumn of 1938, and probably ended in July, 1940, with the admission of the Japanese that they could not break the resistance of Chungking without closing the remaining open ports in China, including the Indo-China route and the Burma road.

During these years of war, Japan's national debt increased from ten to twenty billion yen. By the end of the 1940-41 financial year, Japan's debt will be twenty-eight billion yen. The military appropriations this year are 330,000,000 yen more than last year.

At the end of the fourth period, July, 1940, China remains unconquered. Vast areas in the south-west, west and north-west, areas larger than Western Europe, have not been occupied nor even invaded, except by bombing planes, which have awakened the millions who inhabit these territories to realize their danger and has rallied them to Chungking's new programme of reconstruction and resistance. Only 600 counties out of China's nearly

2,000*counties, are occupied by the Japanese and many of these have county governments loyal to Chungking either in the county or in nearby counties.

In Japanese controlled areas, railways and trains are continually wrecked. Provincial capitals are often attacked and county seats occupied by regular Chinese troops or by guerilla bands. Even in the railway zones Japanese troops often lead a precarious existence. At night, even the bravest take refuge in the larger cities.

Over one-third of the four hundred thousand Chinese troops, which the Japanese trained and equipped to fight for the puppet governments, they set up in China, have deserted and gone over to Chungking. Even puppets themselves have confessed to foreign friends their hope for the return of the authority of Chungking to the areas controlled by the puppets, as they are tired of the humiliating farce of puppetry.

During the three years in which the China Incident changed into a war and then into a dilemma for Japan from which she has not yet been able to extricate herself, the vast areas of unoccupied China made very great progress. New armies were created. Schools and universities were moved thousands of miles. Thousands of tons of industrial materials, including whole factories, were moved into the interior. Old industries were rebuilt and new ones created. Highways and railways were opened to friendly frontiers, six thousand new post offices were opened and thousands of new schools were built. A great programme to wipe out illiteracy was launched. Coal, iron and gold mines were opened, agriculture and sericulture developed, two thousand industrial cooperatives organized, thirty-three thousand kilometres of new telegraph lines erected and as many miles of telephone wires put up as all China had before the war.

A great programme of relief work was carried on and thousands of refugees established in new industries. Thousands of youth were trained for service and reconstruction and the great movement of "Spiritual Mobilization" for prolonged resistance and moral regeneration was launched.

On one hand, China has been successfully resisting a far-flung invasion and on the other, she has been rebuilding the nation. In the meantime the Japanese armies have not only become more hopelessly "bogged" in the vast interior of China but Japan has become more and more involved in political strife at home and in conflicts with third party powers abroad.

A comparison of the Chinese and Japanese governments, during these years of war, makes China's strength and Japan's

present dilemma still more clear. The conflict between the Communists and the Nationalist Party in China, of which the Japanese make so much, does not divide the Chinese government nor weaken resistance to Japan, for it is Japanese aggression that has made it possible for these two parties to unite. Both the cause and purpose of their unity is resistance.

Again, the Wang Ching Wei government is so clearly a puppet that it strengthens rather than weakens Chungking. The unjust and ungenerous terms forced on the puppet government 'at Nanking by Japan has disgusted even the Chinese peace-makers as well as the well-wishers of Japan in China. Many of Wang Ching Wei's friends deserted him and returned to Chungking when they saw the price Wang Ching Wei had to pay for power which is no power and for a peace which is no peace. The puppet government in Nanking has done China the high service of rallying all classes still more to the Generalissimo and of more thoroughly uniting Chungking by eliminating all the "fifth column" pro-Japanese elements.

Since the beginning of the Japanese invasion, the Chinese National government has weathered every storm and in personnel has remained practically unchanged. Not so the Japanese government. In Japan, premiers come and go but in China the Generalissimo remains. Japan has now its fifth government since the beginning of the China Incident. Each dies younger. The last one lived barely six months. In Tokyo, government after government resigns because the Generalissimo in Chungking will not resign.

China changes its capital but remains still united. Japan changes its cabinet but remains still disunited. China's unity depends not on geography but on its righteous cause and on its great leader, the Generalissimo. In comparison, Japan has no righteous cause and also no great leader. Prince Konoye, the first premier who failed to settle the China Incident, is now premier again (since July 18) but the China Incident still remains to plague each new government.

The present premier, the fifth since the Japanese militarists cursed Japan, China, and the whole world with the China Incident, is more thoroughly dominated by the military, especially the army, than any of the previous ones. It is reported that Admiral Yonai,—Premier, January—July,—was practically dismissed by General Hata and that the military leaders made it clear that only Prince Konoye would be satisfactory. For years, no premier in Japan could hold office long without the approval of the military.

This time the military not only approved Prince Konoye but they also appointed him.

At the end of July, Prince Konoye was also made commander-in-chief of the army, navy, and of all the military forces of Japan. At least outwardly, the Japanese government is at last unified. The government, the premier, and the military are at last openly one and the same thing and they all have one and the same aim, the settlement of the China Incident.

In January, 1940, Premier Abe, like his predecessors, resigned because he failed to solve this problem. In July, Admiral Yonai resigned for the same reason. Admiral Yonai had declared his political tripod to be—first, disposal of the China affair; second, better relations with other foreign powers and third, stabilization of livelihood in Japan. In six months, he was forced to resign (July 16). The “China” affair had not been disposed of, relations with other foreign powers had definitely worsened and prices in Japan were soaring.

The military criticized the Yonai cabinet for its failures. It had failed to settle the China affair. It had failed to settle the question of authority for the Wang Ching Wei government in Nanking. It had failed to take advantage of the new opportunities for Japan arising out of the European war, and, finally, it had failed to achieve the totalitarian state demanded by the military.

If the new Konoye government is to succeed it must succeed along these lines. The easiest to achieve is no doubt the totalitarian state. Liberty in Japan is fast disappearing. A union government is being created. This is not like the Union Government in Great Britain in which parties temporarily unite to overcome a crisis but maintain their identity and future independence. The union government in Japan is a single-party government like those of Italy, Germany, and Soviet Russia. It is a unified government not a union government. In such a government, the military-finance interests will be supreme.

In preparation for such a government, the Labour Party was disbanded on May 7, the Reformist Party on July 2, the Social Mass Party on July 6, and the powerful Minseito Party on August 7, less than three weeks after the military appointed Konoye government came into power (July 18, 1940).

The semi-deification of the Emperor and the already existing nation-wide mobilization of the nation's resources and population for war will make the creation of the Fascist totalitarian state easier in Japan than it was in Italy and Germany at the beginning of the Mussolini and Hitler regimes, but on the other hand, neither

Prince Konoye nor any other leader in Japan can grip the imagination of the people like the Duce in Italy or the Fuehrer in Germany.

The settlement of the China Incident, however, will not be as easy to achieve as the totalitarian state.

Japan's settlement with the puppet Nanking government is too unjust to succeed. A great nation cannot be permanently enslaved. One cause, one leader, and one enemy unite China. It will be easier for the Japanese military to achieve totalitarianism by destroying freedom in Japan, than to settle the China Incident by abolishing liberty in China.

Once again, Prince Konoye makes the settlement of the China Incident his first aim. He has the advantage over his predecessors due to his experience of a previous failure. This time, however, he was practically appointed by the military and he is now also commander-in-chief of all the military forces of Japan. He may also soon have the complete backing of a totalitarian government and state. Japan is rallying all her forces to end the China affair.

But the Japanese government is not so thoroughly united as it seems and the "China Incident" is slowly but surely dragging Japan into ever wider and more serious conflicts and antagonisms.

The Japanese army and navy are at loggerheads. The last premier, Admiral Yonai, was a navy man and friendly to the democracies, Great Britain, France, and America. The present premier, Prince Konoye, is the choice of the army, and the army is pro the totalitarian states, Italy and Germany. The army wants an out and out alliance with the totalitarian states. The navy is not anxious to fight the British navy, which would probably also mean war with the U.S.A.

Japan's difficulties in China are increasing and her relation with Great Britain and America are definitely worsening. Due to the European war and the British blockade Japan's trade with Europe is almost nil. The British nations are fighting for their very existence and are no longer a source of supplies for the conquest of China. Japan's decision to close all the remaining open ports into China is not only an admission of her inability to conquer China with these ports open, but has further antagonized both public opinion in Great Britain and America. It has also hastened America's decision to put on what amounts to an embargo on aviation oil and scrap iron to Japan. Formerly, the British nations and America were supplying Japan with nearly ninety per cent of her war materials. This has now ended,

*In order to make up for her losses due to the European war and the American embargo, Japan now seeks control of both Indo-China and the Dutch East Indies. Control of these Asiatic European colonies by Japan is, however, even a greater threat to America and Great Britain than the control of China, for the Dutch East Indies contain much of the world's supply of rubber, tin, and oil. Japanese control would mean also a direct threat to the Philippines, Australia, Singapore, and India.

• Even in case of a British defeat, in the European war, Nazi Germany and Fascist Italy would hardly allow Japan to control the Dutch East Indies and French Indo-China and thus deprive themselves of colonies in the Far East, unless they would need and actually get the help of Japan to defeat Great Britain.

But to join the totalitarian states in a war against Great Britain involves even greater risks than the China Incident. It would almost certainly mean war with the United States of America as well.

If Japan will follow a policy of friendship with the democracies, Great Britain and America, she will have to keep roads open into free China for their trade. But if these roads are kept open, Japan cannot conquer China and cannot settle the "China Incident." Even with these roads shut, she may not be able to do so.

If, however, Japan follows the army policy, closes these doors by threats to neutral third party powers and becomes involved in the European war, she will have to fight Great Britain and sooner or later—probably sooner—America as well. Then Japan runs a good chance of losing both, the war in China and the World War as well.

This is the dilemma of the China Incident. It is Japan's dilemma, not China's. It will take all the powers of Japan's totalitarian military government to solve that dilemma. The horns of this dilemma are also more likely to wreck Japan than to enslave China.

INDIA AND THE CHANGING POLITICS OF ASIA¹

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I

To-day, the initiative in world politics has passed into the hands of dictators. Four great powers are to-day engaged in partitioning the world among themselves and aim at establishing what they call a 'new world order' in the West and in the East under their own military, political and economic control. They want to create four continental blocks in which Germany will control Europe and Africa; Russia, Eastern Europe, and Northern and Southern Asia; and Japan, Eastern Asia, Western and Southern Pacific. They want to leave the U.S.A., at present, in control of all Americas, but to destroy the British Empire altogether.

The League of Nations, its aims, ideals, programmes and procedure failed seriously after 1931 to secure international co-operation on a basis of national equality and to prevent war and encroachment by its own members against the weaker peoples and nations of the world. It could not maintain the conception of an International Society and the conditions of collective security and collective sanctions against aggressive and selfish nations. It possessed no military strength of its own to impose its decisions on the aggressors. Its force of moral idealism and rational co-operation of an international order based on democratic and national conception of equality was not sufficient to check these aggressors from their nefarious designs and conquests. Japan, Germany and Italy broke away from it. Russia failed to make it work in its own way and has now left it. France and England worked it only in their own interests. Small nations by themselves were unable to make it work. The conception and ideal of an International League have failed to take root amongst stronger nations and to solve the problem of world peace and international cooperation and to prevent war for selfish national gains and aims.

¹ Written in October, 1940.

The new way which has developed is not that of preserving small or weak nations and of giving them an international equality but that of eliminating their equality and independence and of bringing them under the control of great powers. The course of modern world politics seems to be based on the dominance of those powers which possess real might and use it in their own aggrandisement without any consideration of ideas of equality or justice engendered by the principles of democracy or nationality. The keynote of modern international politics is either the establishment of complete supremacy or of hegemony of great powers in large continental areas and partition of those areas amongst themselves.

The old imperialism of classical and medieval ages was based on a kind of universalism, cultural or religious. Take Alexandrian or Roman Imperialism of classical Europe or the Turkish and Mongol Imperialism of Medieval Asia. Take also the Muslim religious imperialism of the middle and later ages. No doubt, they divided the world for political, cultural or religious purposes into two groups, such as Greeks and Romans *versus* Barbarians, Muslims *versus* Kaffirs, Christians *versus* Heathens, but they wanted to bring the whole world under their own control by conquest and conversion, and not to partition it. They however failed because of their moral and intellectual degeneration and material decline. Again, take Pope Alexander VI's Golden Bull of 1494 dividing the world between Spain and Portugal. It was inspired by the conception of Christian imperial universalism. These countries after some early successes in various parts of the world failed to retain their control on their conquests and possessions for similar reasons. Thus these aggressive political, racial or religious groups which had military strength, daring and resources thought of subjugating the world, but declaring all along their divine mission to do so.

Today, under the scheme of partition-imperialism, Germany under the inspiration of the mission of a divine race is conquering, controlling and partitioning Europe. Russia's historical mission lies in annexing and assimilating countries and territories in the East and the West in the name of a coming classless communist commonwealth according to the inevitability of the inexorable law of dialectical materialism. Japan's divine mission is invading and conquering for 'a new order' in a greater Asia in the East under the House of her divine Mikados. The Anglo-Saxons used to think and act similarly in the past and wanted to spread their empire and whiteman's burden having received as divine call for the purpose. Now they feel that their imperial mission of

conquest is exhausted after the last partition of the world during 1919 and 1922, and now the only work left for them is to maintain and spread their ideas of a parliamentary democracy and of a dominion status in their empire. All of these powers are for 'a new order' racial, religious, cultural or political, of their own desire and make and under their own control. If they cannot conquer the whole world for themselves and bring it under their own control, they are prepared to cooperate in partitioning it amongst those who are equally strong and ambitious by creating exclusive spheres of influence and dominance for each of them.

The process of world history and politics therefore seems to be towards the partition of the world again and again by the strong and successful powers. The tendency of that process is towards the elimination of the militarily weak and the partition of their territories and possessions amongst these powers for the time being, but finally towards world unity, not based on federation of nations, but on the elimination of all other rivals by the strongest, shrewdest and most tenacious of all. We have not reached that stage as yet in the world's general evolution, and therefore in this new struggle for dominance and division of the world from 1931, the conquests and partitions of many small and weak peoples by the few strong are going on and disturbing the political map of the world created by the post-war settlements of 1919—1922 and maintained under the auspices of the League of Nations.

In the political map of the world of today there is no place for small, weak and isolated nations. The League of Nations and its members, and the political philosophy, moral idealism and economic thought which inspired them have failed to maintain the old political map. National selfishness and imperial ambition of great powers are overpowering and absorbing weak, small and isolated peoples, they having no strength of internal unity, solidarity and leadership amongst themselves, and being also divided and disintegrated by selfish considerations. There is no future for them and for a League created out of their weaknesses, narrow outlooks and selfish idealisms.

The origin and nature of the present world war leads to the same conclusion. Firstly, there is the desire for world hegemony and conquest based on the imperial ambitions of dissatisfied and dispossessed great powers like Germany, Japan and Italy. They believe in their own dictatorship and in the possession of exclusive powers for themselves and bondage for others. Secondly, there is the desire for world revolution and absorption based on the imperial ambitions of ideological powers like Russia. They

believe in the dictatorship of the proletariat and the assimilation and levelisation of all under its control. Lastly, there is the desire for international federation or world commonwealth based on the imperial ambitions of great democratic powers like British Dominions and Americas. They believe in a world community of autonomous groups or a League or a Federation or a Commonwealth of equal and autonomous nations.

In these new schemes of world order the national ambitions of territorial, racial, religious or cultural groups and minorities and their conceptions of isolated independence or pakistan nationalisms have no place or chance of success. The present war is going to be a new struggle for a fresh division of the world among only six great powers, Germany, Japan, Italy, Russia, Britain and the U.S.A.

The first division of the world in modern times took place during 1871—1913, when colonies, protectorates and spheres of influences were established by European nations and Japan in various parts of the world either with the cooperation of European concert of great powers or of *ententes* and alliances of great countries. In this division the political victims were the territories of Africa, Asia and Pacific islands. Turkey and China were dismembered in it. In the second division which took place after the first great war (1914—1918) Germany, Austria, Russia, Turkey and China were deprived of a large number of their possessions. The gainers were Britain, France, Japan, Italy, Belgium and small nationalities of Europe. In the present struggle, a third division is going on. Rejuvenated and ambitious Germany, Italy, Russia and Japan are fighting to unsettle the previous settlement and for a new division of the world by the destruction of the old empires of Britain, France, Belgium and Holland, and of the old and new small states of Europe. Already France, Belgium, Holland, Norway, Denmark, Baltic states and Balkan and Danubian states are either conquered or brought under the control of Germany, Italy and Russia. China, and Indo-China and a number of islands in the western Pacific are conquered or half controlled by Japan. The process of conquest, control and absorption is going on today.

This struggle and race for a new division of the world among Germany, Italy, Russia and Japan has increased political tension in the Pacific and southern regions of Asia. The new triple Alliance of defence and offence made between Germany, Italy and Japan on the 27th of September, 1940, gives us the true nature of the present world war. Russia, though seemingly neutral, is a silent member of this alliance. Only her ideas of

world partition and control differ from those of the other three. It is, however, willing for the time being to subordinate them and to become a sharer in the new conquests by compromising with her erstwhile ideological and political enemies. In the new division, Europe and Africa are to be under the hegemony or leadership of Germany and Italy. Eastern and South-Eastern Asia and Western and Southern Pacific are to be under Japan's leadership and new order, while Southern Asia from Turkey to India are to fall under Russia's leadership and control. Their fight is going to be against the only two independent powers, namely, the British Empire and the U.S.A. whose interests and possessions in all parts of the world make them oppose the new schemes of dictators. France, Belgium and Holland—three old colonial powers—are already conquered. It is however the British Empire and the U.S.A. with their military and material strength which are making it difficult for them to achieve the actual conquest of Africa, Southern Asia and Southern Pacific.

II

From the point of view of world politics and international relations there is no dividing line between the East and the West. There is no doubt that until very recently, there have been amongst great Asiatic powers boundaries which were not only wide but thinly populated, difficult of access and barren in economic value. There was ample margin separating neighbours of different races and culture. The periodic inroads of Huns and Mongols, Turks and Tartars—the barbaric tribes of the north and central Asia, were merely destructive events and episodes in the history of the great civilised powers of Asia. But this state of aloofness and separatism ended when Russia and Japan became very well organised as efficient military states and imperialistic in their aims, and when they began to pursue a career of dominance in the Far and Middle East. Their own contiguity and their rivalries amongst themselves and with the British Empire began to breed animosities and conflicts for the possession of territories as the cost of weaker neighbouring countries like China. Japan scored great successes over China in 1895, and over Russia in 1905, and again over China in 1915, 1931 and 1937—1939. It meant the end of Russian and European dominance in the politics of the Far East. Japan, however, still has four enemies to be eliminated before she can establish her new order in the Far East, *i.e.*, Eastern Asia, and Western and Southern Pacific. They are a

rejuvenated Russia, a nationalist reorganised China, a well established British Empire, and a continental power like the U.S.A.

Thus the politics of Asia has changed during the course of the last one hundred years from 1839 to 1939. Instead of being an isolated and pacific area it promises to become the most dynamic centre of world politics in the immediate future. The period from the British and European encroachments after the Chinese opium war to the past and present Japanese encroachments from 1873 and 1931 is a period of continuous aggression and encroachment against the sovereignty, integrity and independence of China and the Pacific islands. But the turn which it is taking is the collision between the yellow races and Buddhist culture as represented by a powerful Japan and the white races and European culture as represented by Russia, England and the U.S.A. This process is born out of swift military and political changes taking place in the world and is reaching across the whole of Asia to-day. The present war will soon involve almost the whole continent of Asia. It is no longer confined to Europe. The defeat of Holland and France brought their empires in the East under the shadow of Germany, and she is encouraging and helping Japan to swallow them. These colonial empires are not capable of defending themselves unaided against Japan. Already, we find French Indo-China had to yield military, naval and air bases to Japan in her designs against China and in the South China seas.

The two historic pacts which have seriously affected the balance of power in the East and is rapidly changing the *status quo* there are (1) the Anti-Comintern Pact of Germany, Japan and Italy 1936-37, and its reformed and extended edition, the Triple Alliance of 1940, and (2) the Non-Aggression Pact of 1939 between Russia and Germany, both directed primarily against the British Empire and now against the U.S.A. also. Japan is Asia's foremost military and integrated power. Russia is not equally strong in the East in military, naval and aerial forces and organisation. Japan is determined to establish 'a new order' that is her empire in the East, has announced a Monroe Doctrine for the East and has warned all Western powers to give up their political interests and not to interfere in the politics of Asia.

India has to-day become only independence-conscious. She must now become not only unity-conscious but also defence-conscious. If she is at all to be a nation self-governing, independent and united, she must possess also the consciousness of self-defence and make preparation for it. The struggle for political power dominant in the life of every country expresses

itself partly in the programme to achieve that power within the country and partly in the measures which it takes or supports for the safety of the country and for being prepared to meet any danger to its security and independence. Then again, the degree of safety attained by a state determines the total power which that state can command. If the life and safety of a state or people are insecure because of its want of proper defence and of popular support, then its security and the independence and strength which depend on it will be at stake. Today the safety of India as it is, depends on England's might and mastery over the ways and approaches to India, and over all the territories through which they pass either by land or sea. Today the strength of Indian national movement depends on the nature of British control over India. If the British were unyielding we have not developed sufficient strength and organised power to make them yield. This has been based on the preparedness of resistance to any threat to the British Empire as a whole in the East. After the defeat of Napoleon the only real danger felt was that of Russia. For this purpose Britain has opposed Russia's dominance (1) in the Near East especially in the Straits and Constantinople, and also of France in Egypt, (2) in the Middle East especially in Persia and Persian Gulf, Afghanistan and Tibet, Red Sea and Arabia, and (3) in the Far East, especially on the Chinese Coast. She also tried to protect Turkey, Persia, Afghanistan and Egypt from foreign encroachments and influences for this purpose. With the same object England has protected her imperial interests by the Anglo-Japanese Alliance of 1902 which lasted till 1922, Anglo-French *Entente*, of 1904, Anglo-Russian *Entente* of 1907 and by promoting the League of Nations, the Washington Settlement (1922) and the Kellogg Pact (1929).

The primary function of the British navy and the British Egyptian army and the British Indian army is to do this work of imperial defence as a whole. It is the front line of resistance to foreign encroachment or invasion. There is no independent Indian navy or air force or well equipped Indian army worth the name for this purpose. India's important place in the British Empire, however, entitles her to full support from the British naval and air force in a major conflict in the Southern Pacific and near her strategical frontiers in the East Indies. But India will have to bear the brunt of attack because of her geographical position and the present state of world politics if the link with the British navy and air force weakens. Though India's resources in men, money and materials are large, still there is no military preparation brought up-to-date, skill developed or discipline

organised as yet upto its highest efficiency—no doubt, there is some hurry at the eleventh hour to-day.

In spite of all this unpreparedness India cannot today in the welter of world politics isolate herself as an independent, peace-loving and neutral nation, concerned only with her own pacific ideals and with her own internal strength of unity and independence.

The strategic line of India's own defence is something like a triangle. The northern apex of that triangle is in the Himalayas—the north-western and north-eastern passes and approaches through them. The base line of that triangle of defence is the African Coast and countries in the west and Malaya and Australia in the east. The Suez Canal, Aden and Persian Gulf in the west and Singapore, Hongkong and Darwin or Canberra in the east are the focal and control points in that defence and strategy. The life-line of the British Empire lies between and runs from the south-east to the north-west. The oceanic line between New-zealand and India, and the sea route between India and England must never be closed, if the British Empire is to exist. The passage of all her commerce and her defence depends on the control of that route and line. This is the reason why Gibraltar, Suez, Aden and Singapore are very important as strategical gateways and naval and military bases for commerce and defence. India is in the middle of this line. If the defence politics of Asia is considered as a whole the main defence of India and Australia lies in the strength of the British naval power on the sea. Air power can no doubt operate destructively, but it cannot hold by itself land or sea communications and conquests. The conquest of India can only be made by a sea-power which must conquer the sea-route to India and move along the conquered sea-way. It must also possess a large army to defeat the Indian army as it is and as it may develop in a crisis under the unified control of a central government. It must be helped by a good air force to strike terror and to strike down opposition. Such power in the East is only one and that is Japan. On the west there is none at present. Italy has no chances. Italy and Germany united, though strong in the air and on the land, cannot overcome the British navy easily and gain mastery over the western sea-approaches to India. Their air and land forces will be of no conquering value unless they destroy the British naval supremacy in western waters.

There is also the Russian danger from the north-west. Russia does not require any sea-forces in this area. But she will have first to destroy or win over Afghanistan to invade India.

Indian army is largely organised to meet such a danger and we take it that the new additions and military preparations in India ought to be able to meet it successfully. But the greatest danger would be an alliance between Japan and Russia which does not seem to be probable, but not impossible in the changing politics of today. Therefore, Japan seems to be the immediately potential enemy of the British Empire in the East. It possesses all kinds of forces, military, naval and aerial. They are well organised, efficient and experienced and possess a large striking power. They are however at present primarily engaged in the conquest of China and the South China seas. In that process however Japan has ousted England from China, rendered Hong-kong useless and has turned the flank of Singapore by her part occupation of French Indo-China and neighbouring coastal islands of strategic importance for establishing her own naval, military and aerial bases, and by her agreements and understandings with Siam. She has approached very near the Burma borders. Consequently she need not have a conflict with the British navy and defeat it before moving her army and air forces to fight the land forces of India. India's safety is to that extent weakened by this change in the politics of Asia. Any alliance between Japan and Russia will create a serious danger.

III

The British have their empire and economic interests very deeply rooted in the Near, Middle and Far East, and in the Southern Pacific. Therefore Japan's ambitions are directly in conflict with British interests. Japan wants to establish a 'new order' in the Far East—a Japanese over-lordship at first over all Mongolian, Yellow or Buddhist lands. She is determined in her aims and policy. Therefore Britain will have to fight Japan to protect her own interests. If not, she will have to yield or compromise, and to adjust mutual relations by a process of give and take.

There are now only four powers who will either contend for a *status quo* and balance of power or for hegemony and mastery in the East. They are Japan, Britain, Russia and the U. S. A. France and Holland have been eliminated by Germany from this contest. If Japan succeeds she will drive away others, but if the other three succeed, China will rise and there will be a balance of power between these states established.

Russia's political interests lie in keeping China free and united, and in not allowing Japan to become dominant in the Western Pacific. But her policy at present is one of grabbing at

the cost of her neighbours with the consent and secret help of her erstwhile enemies. To a certain extent her policy has been vacillating towards China, Japan and even western countries. She has played a double game of diplomacy in the West as well as in the East in order not to have to fight a war on two fronts. Her non-aggression pact with Germany (1939) and perhaps a secret but similar understanding with Italy and Japan (1940) make her adopt her present sphinx-like attitude, knowing that she is likely to achieve her chief objects in the West and in the East by making a common cause with Germany, Italy and Japan.

The probability is that a secret Russo-Japanese non-aggression pact exists on the basis that Japan does not extend further her conquests in Northern China but directs her encroachments towards the Southern seas, towards Indo-China, Dutch and British East Indies, and Philippines.

The interests of the U. S. A. are political in the Philippines and economic in the Chinese Empire and the East Indies. She is therefore concerned in keeping the *status quo* and the present balance of power in the Far East and in keeping the Pacific routes to Asia and Europe open. She cannot allow Japanese mastery in the Far East and in the Western and Southern Pacific. But her foreign policy is based on the principle of neutrality in regard to non-American politics and of Monroe Doctrine in American politics. Under this policy of isolation and non-intervention, she has lost heavily her initiative, military and naval, political and economic, in the East. And Japan has gained enormously to that extent. Her Far Eastern policy since 1931 has been a weakened one. She has been relying on moral protests for securing her interests, but she has miserably failed. Washington Treaties (1922) and Kellogg Pact (1929) and bindings and sanctions of the moribund League of Nations have proved valueless against determined and unscrupulous aggressors.

Thus, Japanese political and military activities and conquests in China and the South China Seas have endangered not only the political and economic interests of Britain, France, Holland, Russia and the U. S. A. and disturbed the balance of power and *status quo* in the East, but they have also endangered as a consequence India's security and peaceful political development towards unity and independence. Japan's approach overland towards the borders of Burma, Assam and Bengal is an event of great historical importance whose effects at present can only be surmised, not easily foreseen. It is a sort of outflanking movement making the Singapore base useless from the point of view of India's security. It is likely to eliminate the importance of the

British navy as a great factor in our present national security. India may have to depend primarily on the strength of her land and air forces to meet this new danger if and when it comes.

The origin of this danger may be traced to 1931 when the Anglo-French Hegemony in International politics ended after the successful attack of Manchuria by Japan in spite of the protests of the League of Nations. Japan was its important member, but refused to abide by its procedure and decisions. Thus the notion of international cooperation and collective security, and the independence and equality of small and weak nations were seriously endangered, but no action was taken against Japan for its breach of League principles and procedure. From 1931, a period of international distrust, national encroachment and conflict, frustration of League's principles and procedure and world unsettlement set in. This created a revolution in International politics both in the East and the West. In the East the British had lost the command of the seas after 1919, owing to the development of Japanese navy. In 1922, they lost the friendship of Japan when the Anglo-Japanese Alliance of 20 years' standing was not renewed after the Washington Treaties of 1922. America and Japan began to dominate the Pacific Area, one in the Eastern Pacific and the other in Western Pacific. No doubt the British East Indies squadron is important in the Southern Pacific with its base at Singapore, but the responsibilities of the British navy are spread throughout the world. Hence its striking power cannot be great at any one centre but especially against Japan whose naval force is concentrated in one area and for one purpose.

The power which will dominate the Western and Southern Pacific will also later on become a great danger to the independence of Far and Middle Eastern countries. A large part of Northern and Eastern China and her Pacific Coast and islands have already been conquered by Japan whose resources and strength have consequently increased. French Indo-China and Siam seem to be in the process of being absorbed by her. The British Island possession and naval base of Hongkong near Canton is already rendered useless as a forward post on account of its being surrounded by the Japanese navy, and of Japanese naval and military advance beyond it in the South China Seas, coasts and islands.

Today, Eastern politics revolves round the ambitions and conquests of Japan. She has disturbed and is unsettling the balance of power and political map established after the Washington Treaties. She is opposed in this ambition and venture only seriously by China in defence of her unity, integrity and inde-

pendence, and very mildly by Russia, Britain and America in defence of their political and economic interests.

During the first great war of 1914—1918 there was a Triple Entente of England, France and Russia, joined by Japan and later on by America. There was also the Anglo-Japanese Alliance, started in 1902, Franco-Japanese Agreement of 1907, Russo-Japanese understandings of 1907 and 1917, Sino-Japanese understanding over Japan's twenty-one demands of 1915 and Lansing-Ishii Agreement of 1917. All these understandings gave Japan opportunity to dominate the Far East and especially China. After the war, differences over China's status, Siberian invasion, naval ratio, Japanese emigration into America and the status of her nationals arose. The collapse of Russia, the withdrawal of America from Siberian venture, and the weakness and civil war of China made Japan strong. The Washington Conference broke Anglo-Japanese Alliance. Japan was isolated and became inimical to Britain and America. The Kellog Pact of 1929 could not cure Japan of her imperialist ambitions. It bided her time. The testament of Tanaka of 1927 was an indication of her ultimate aims and foreign policy. From 1922 to 1927 Russian help and cooperation strengthened China. But the Russian influence collapsed after 1927, owing to a conflict between nationalists and communists of China. The Chinese Civil War weakened China. In 1931 Japan seized the opportunity and conquered Manchuria and Jehol, and later from 1937 Inner Mongolia and Northern and Eastern China. Thus the Washington Treaty and its bindings and guarantees, the League of Nations, and the Kellog Pact—all failed to check Japan and to save China. Naval conventions and ratios broke down. Japan denounced the agreement about naval ratio and hence naval race began since 1934 between Japan, Britain and America.

Uptil now, Britain followed a policy of masterly inactivity, non-intervention, isolation, appeasement and even surrender. This led to the weakening of British prestige and hold over her possessions and strategic interests. The British theory of balance of power which had operated in the past through the tactics of isolation in peace, *entente* in crisis and alliance in war did not succeed. The new policy of collective security and sanctions, and of maintenance of *status quo*, all under the auspices of the League, also failed.

Thus, the course of international politics changed after 1931. The Anglo-French hegemony ended. Germany and Italy rose to power and strength. America became neutral. Russia began to non-cooperate and change her policy. Japan, Germany,

Italy and Russia withdrew from the League. Consequently, the League failed and the strength of old settlements, pacts and alliances ended, and new zones of friction and new alliances and pacts have arisen. The inherent weakness of small and backward states, the imperial ambitions of strong and forward states are at the basis of the new politics of our period. Aggressive nationalism and imperialism are now rampant.

The political problem in the East is therefore: should Japan be allowed to establish her supremacy in China, the West Pacific and the Southern Seas? It faces the statesmen of Britain, Russia and America. India's future independence, unity and security depends on the failure of Japan's aim. Britain's being involved in the present war in the West has enormously increased the danger to India's security. Japan is moving with all her forces towards our neighbours and frontiers. Russia's policy and aims are uncertain. Our internal politics is not satisfactory. Communities, States, provinces and political groups are not united on the policy and organisation of defence and are wrangling over percentages, partitions and weightages and thus want to steal a communal march over their brethren. There is a danger of civil war and political disintegration inherent in the Indian situation of today, and also of the subsequent establishment of a dictatorship of mercenary and communally inclined military in case of a weakening or collapse of our central power. This condition in itself increases the danger of foreign invasion and the resulting chaos. The conception of loyalty to India as a united whole is already weakening under communal leaderships. India is at present isolated in international politics and is unarmed, unequipped, untrained and inexperienced for home defence. There is at present no leadership for self-defence in India. In the present politics of India we trace the same old political feud with Britain for gaining independence, the same old civil war between Hindus and Muslims for political dominance, and now also partition of India. In addition to this we find a new civil conflict between nationalists and socialists, and haves and have-nots for the realisation of their social and economic ideas, old and new.

IV

Japan warns all European powers to stay out of East Asia. She is pressing them to withdraw all their troops and war-ships from China, not to help China, to prevent any aid going to China by shutting of supplies and transport. Japan wants to maintain the *status quo* in the Far East wherever she cannot disturb it at

present in her own favour for example in the Dutch East Indies, but she is prepared to disturb it in the interests of her own new order in Asia wherever she can for example in Indo-China after the defeat of France and with the consent of Germany. Japan wants to join Germany with the aim of subjugating the British, French and Dutch possessions in the East. Her ultimate aim is expressed in a statement by the spokesman of the Japanese Foreign Office, called the Aman Statement, on April 18, 1934. It runs thus "owing to the special position of Japan in her relations with China . . . it must be realised that Japan is called upon to exert the utmost effort in carrying out her mission, and in fulfilling her special responsibilities in East Asia . . . we oppose, therefore, any attempt on the part of China to avail herself of the influence of any other country in order to resist Japan." Japanese General Honjo said "when properly applied, they (the natural resources which Japan hoped to seize in China, Siberia, and South Sea Islands) could be the means of strengthening our sea defences and driving the American influence to the east of Hawaii. Then there could be no question at all that the Philippine Islands would fall into our control. We could then be the sole masters on the Pacific and nobody would be in a position to compete with us or make a protest. Having vanquished the American influence in the East, the British influence in Singapore and Hong-kong would not be potent enough to do us any harm. Moreover, it would soon be destroyed by our navy also, while the South China Sea would likewise come under our jurisdiction."

Foreign Minister Arita on June 29, 1939, drew a picture of a new world of great regions with one military power dominant in each. He included the regions of South China Seas as geographically, historically, racially, and economically very clearly related with East Asia and advocated the uniting of all these regions in a single sphere on a basis of common existence.

All this forward move by Japan has disturbed the U.S.A., Britain and Russia. The U.S.A. is strengthening her forces in the Pacific, controlling foreign hostile and suspicious movements in her areas, and her foreign exports of her goods to Japan. Being involved in a life-and-death struggle in the West, Britain is playing a waiting and watching game. Russia now being an ally of Germany does not show her cards of secret diplomacy which she is playing behind scenes in this great drama.

**DEVELOPMENTS IN LAW, CONSTRUCTION
AND ADMINISTRATION: PERIODICAL SURVEYS**

THE BOMBAY PRESIDENCY 1937—39: AN INTERLUDE

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I

The first popular Ministry of Bombay under Provincial Autonomy took office on the 19th July, 1937. Like other Congress Ministries, it resigned office on the War Issue on October 31, 1939. The Governor of Bombay accepted the resignation on November 4, 1939. During this period of twenty-seven and a half months, the province was kept busy suggesting, discussing and criticising measures affecting the welfare of different sections of its population. After the taking over of affairs by the Governor and his Advisers there has come about a sudden lull in the constructive political activity of the public. The province appears to have relapsed into the old days of bureaucracy. With the abandonment of some of the important items in the policy of the ex-Government, and with the tendency of the present Government towards maintaining the *status quo*, the return to old ways was inevitable. The curious thing is that people have accepted this reversal in much the same manner as when one returns home after a pleasant journey abroad. The twenty-seven and a half months of limited democracy appear, in retrospect, to have been just an interlude to relieve the monotony of the principal theme. But it has been an interesting interlude. It deserves to be recounted.

II

With an absolute majority in the Lower House and a workable strength in the Second Chamber of the Legislature, the Congress Ministry was able to put as many as 61 Acts on the Statute Book, during this period. But unaccustomed as many critics are to such a tempo of legislative activity in this country,

the speed has been attributed solely to the steam-roller of the majority! On the other hand, complaints have not been infrequent that the Government was shirking its responsibility, of taking bold decisions by following the usual 'democratic' tactics of appointing committees of investigation which only delayed urgent reforms. Between these two criticisms the Government had to find its way to the fulfilment of its election pledges. In effect, there has been a large volume of social legislation which leans, on the whole, on the side of caution and moderation.

Protection of the interests of peasants and workers and municipal reform have been the principal aims of Congress legislation. Prohibition was left to executive action with tragic results. Legislation for restoring lands forfeited during the Civil Disobedience Movement to their former owners had a significance extending far beyond the interests of the peasants concerned. The Harijan Temple Entry Act was a permissive measure removing legal disabilities of trustees who desired to allow Harijans to worship in their temples. The compulsory registration of Ayurvedic and Unani medical practitioners was a much-needed reform in view of wide-spread quackery.

Among the measures designed to protect the interests of the peasant mention must be made of the Small Holders' Relief Act, the Agricultural Debtors' Relief Act, the Tenancy Act, the Agricultural Produce Markets Act, the Land Revenue Code (Amendment) Act, and the Revenue Tribunal Act.

The Small Holders' Relief Act was a temporary measure for preventing the sale of lands of small holders against whom decrees had been passed, pending the passage of the Agricultural Debtors' Relief Bill. Passed originally for one year ending 31st March, 1939, it has been subsequently extended to be in force up to 31st March, 1941, the last annual extension being effected by an Act of the Governor. A small holder has been defined as a person who holds not more than 6 acres of irrigated or 18 acres of other land or land assessed at Rs. 30 per annum, and who cultivates the land himself. Decrees for the sale of land, dwelling houses, milch cattle, standing crops and household utensils belonging to the small holder are to be stayed during the currency of the Act. The Act also provides against the eviction of tenants in continuous possession of land from 1st January, 1932. The liability of small holders to pay rent and interest is reduced wholly or partly according as land revenue on their lands is suspended wholly or partially during the tenure of the Act. The Act thus provided immediate relief of small holders while the Tenancy Bill and the Debt Relief Bill were on the legislative anvil.

Bills for the relief of Agricultural debtors and for the protection of tenants went to the Statute Book after the Ministry resigned. Both of them required the assent of the Governor-General. *The Agricultural Debtors Relief Act* provides machinery for the adjustment of debts owed by debtors who hold and personally cultivate agricultural land from a date prior to 1st April, 1937, and whose annual income from non-agricultural sources does not exceed 20% of their total income or Rs. 300 whichever is greater. In the case of undivided Hindu families the latter limit is 500 rupees. The adjustment of debts is to be effected by awards of Debt Adjustment Boards appointed by Government in this behalf. Any debtor whose total debts do not exceed Rs. 15000 on 1st January, 1939, and any creditor of such a debtor can apply to the Board within 18 months of its establishment for the adjustment of the debt. If by mutual agreement between debtor and creditor a settlement is arrived at, the settlement is to be recorded by the Board after due inquiry. When no application for adjustment or for recording a settlement is made during the appropriate period, the debtor shall be deemed to have been discharged.

The procedure for adjustment of debts by the Boards includes 4 main stages, *viz.*, (i) taking accounts of debts, (ii) determination of the debtor's paying capacity, (iii) scaling down of debts and (iv) determination of the method of repayment.

In taking accounts of sums owed by debtors, interest at the rate of 12% per annum is to be charged on debts incurred prior to 1st January, 1931, and then principal and interest due on that date is to be reduced by 40% (30% for debts incurred after 1st January, 1930). For debt transactions commencing after 1st January, 1931, interest at the rate of 9% per annum or the agreed rate whichever is lower is to be charged. Only simple interest is to be allowed. But if the interest account exceeds the dues on the principal-account the excess is to be wiped out. Thus the maximum liability is limited to twice the amount of the principal. The paying capacity of the debtor is determined at 80% of the value of his property. All debts are to be scaled down to this level. Repayment is to be made by annual instalments the total number of which is not to exceed 25. It is also provided that the annual instalment is not to exceed the net annual income of the debtor. The net annual income has been defined as "the balance of annual income after deducting such sums as may be considered necessary for the maintenance of the debtor and his dependants and a sum due by the debtor to pay the debts due to Government and to local authorities, and to pay off loans borrowed

for the purpose of financing of crops.” If the creditors agree to scale down their debts to 50% of the value of the immovable property of the debtor, the Provincial Land Mortgage Bank is to issue them Bonds guaranteed by the Provincial Government. The Bank is then to recover the debts so discharged by instalments from the debtor. The award of the Debt Adjustment Board is to be registered in a competent Civil Court. Ordinarily no pleader is to appear before the Board on behalf of a party. Provision is made for an appeal against the award of the Board.

In the case of debtors whose paying capacity is considered to be too low the Board may adjudicate such debtors to be insolvent. Half the property liable to attachment of such insolvents is to be sold in liquidation of outstanding debts. Of the remaining property any excess over 6 acres of irrigated or 18 acres of other land or land assessed at Rs. 30 is also to be sold likewise. In regard to the short-term credit needs of debtors whose debts have been adjusted, Government may authorise appropriate agencies, whether private persons or co-operative societies, to lend money on prescribed conditions.

The Tenancy Act aims at protecting the rights of tenants. A protected tenant is defined as a person holding and personally cultivating agricultural land for a period of not less than 6 years immediately preceding the 1st January, 1938. Otherwise qualified tenants who have been evicted after 1st January, 1937 are also to be deemed as protected. The latter are entitled to recover possession of their former holdings after the expiry of the lease of such lands to other tenants. The Act lays down the conditions on which alone a tenancy can be terminated by the landlord. These include default in the payment of rent, permanent injury to land, failure to cultivate it personally by tenant, use of land for non-agricultural purpose or the landlord's intention to cultivate the land personally or to use it for a non-agricultural purpose. Provision is made for compensating the tenant for unlawful eviction and for improvements made by him in the land. The Act also prescribes procedure for the determination of reasonable rent by the Mamlatdar (Revenue Officer of a Taluka), subject to appeal to the First Class Subordinate Judge.

The Act further provides for better conditions for tenants generally: it abolishes the levy of any other taxes or services from any tenant over and above the lawful rent. Government is empowered under it to fix maximum rate of rent to be charged for lands situated in specified areas. A notification fixing such rates is subject to modification by resolution passed by both Chambers

of the Provincial legislature. In respect of rent not paid in terms of a share in the crop, the Act provides for suspension or remission of payment according as land revenue is suspended or remitted. The eviction of tenants from dwellings is barred under certain conditions, and in case the site of such a dwelling is to be sold, the tenant is to be given the first option of purchase at a reasonable value. The tenant is to get the produce of trees planted by him with the landlord's permission and is to get compensation for them on termination of tenancy.

No fresh lease of land is to be made for a period of less than ten years, and the expiry of the term is to be no ground for terminating it. The Act is not to apply to lands held on lease from the Crown or a Co-operative society. It is, further, not to be construed so as to affect any existing rights of tenants to their disadvantage.

The Agricultural Produce Markets Act empowers Government to regulate the purchase and sale of agricultural produce in different areas which are declared as market areas. For each market area a market committee consisting of from 12 to 15 members is to be established. One third of the members of the committee are to be elected representatives of the agriculturists in the area. A similar proportion are to be representatives of the holders of licences to sell and purchase agricultural produce within the area. The rest are to be elected partly by such local authorities within whose area the market committee is set up, and partly by nomination by Government. Sale and purchase of specified agricultural produce in this area is confined to such persons as hold a licence to that effect from the Provincial Government. The trade allowances in respect of market transactions are to be regulated by rules made under the Act. The market committees are empowered to levy fees on agricultural produce bought and sold by licensees in the market area. Out of the market committee fund, expenses for the purchase of market sites, maintenance of standard weights and measures, buildings, information and propaganda for agricultural improvement are to be met. The committees are given a corporate character. Agricultural produce includes cotton, cereals, pulses, oil-seeds, tobacco, sugarcane, fruits, vegetables, animal husbandry products, condiments, spices and grass and fodder all of which together make up a list of 60 commodities.

The Land Revenue Code (Amendment) Act regulates the procedure regarding assessment and settlement of land revenue. It prescribes maximum increases of revenue at a settlement for lands in a settlement area. It also provides for a sliding scale of

revenue rates in accordance with varying prices of agricultural produce. The assessment at a settlement is to be based on different standard rates fixed for lands belonging to different groups according to a number of physical, technical and economic factors. The Settlement Report, after publication in the area concerned, can be referred to the Revenue Tribunal on application by an aggrieved person. With the opinion of the Revenue Tribunal, if any, the Report is to be placed before the Legislature where it can be discussed at its next session. After such session the Provincial Government may pass such orders as it deems fit. No increase in the rates proposed in the Report can be made by Government unless the same procedure as to grievance as before is followed. The Government is further empowered to declare the settlement rates to have been fixed with reference to specified prices of specified classes of agricultural produce. After such a declaration the assessment can be enhanced or reduced by reference to the alteration of prices.

The Revenue Tribunal Act empowers the Provincial Government to set up a tribunal to hear appeals and revise decisions in all revenue cases in which such jurisdiction was vested in the Provincial Government before 1st April, 1937. All powers which the Provincial Government could have exercised in these cases are conferred on the tribunal. No appeal is to lie against an order passed by the tribunal. But it can review its own orders. The number and qualifications of members of the tribunal are to be determined by rules made by Government. Subject to such rules, the tribunal is to regulate its own procedure.

By far the most controversial measure passed by the legislature during the period under review was *the Industrial Disputes Act*. Designed to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration, it was bitterly resented by representatives of labour who organised a one-day strike in Bombay to mark their protest against it. The strike led to disturbances. To restore order, the police had to resort to firing on the mob.

The Industrial Disputes Act provides for the registration of Trade Unions, sets up a conciliation machinery in case of dispute between employers and employees, establishes an Industrial Court and declares strikes and lock-outs under certain conditions to be illegal.

A Trade Union which has at least 5% of the workers in an industry as its members and which is recognised by the employers, or any other T. U. whose membership extends to 25% or more of the workers in an industry or occupation can be registered with

the Registrar of Unions. A Trade Union of the first class which is not recognised by the employers can, on application, be declared as a Qualified Union by the Registrar. One belonging to the second class can be declared as a Representative Union. The Registrar may ask for periodical returns of membership from these Unions. He can also cancel registration of a Union if it fails to satisfy the necessary conditions as to membership. An appeal from the Registrar's order lies with the Industrial Court.

Employers are required under the Act to frame standing orders regarding conditions of employment of their workers with the approval of the Labour Commissioner. These standing orders are to be registered with the Registrar. Any person aggrieved by these standing orders can appeal to the Industrial Court.

Change in the standing orders can only be made in the prescribed manner by agreement between employers and employees. Notice of such a change must be given to the appropriate officers by the employer or employee demanding change. If within a fortnight the change is agreed upon by the two parties, the agreement is to be registered with the Registrar. Such an agreement, failing any other provision for extending its term, shall remain in force for six months. If no such agreement is arrived at, the party demanding change is to submit a full statement of the case to the Registrar and other officers as provided, within a further period of three weeks. Here the conciliation machinery starts working. The Conciliator is to try and bring about a conciliation between the parties. If he succeeds, the agreement is to be registered as before. If he fails or even while he is still trying, the Provincial Government may, with the consent of both parties, refer the dispute to a Board of Conciliators. The Provincial Government may fix a time-limit for these conciliation proceedings to be over. Ordinarily this period must not exceed 2 months. But if the conditions of the case demand, it may be extended by a fortnight at a time to a maximum of two more months. If no agreement is reached at the end of this period the parties are free to resort to a strike or lock-out as the case may be. But such a step can be taken only within two months from the termination of the conciliation proceedings.

The employer and a registered union may agree to submit a dispute, or disputes generally, to arbitration by any person or by the Industrial Court. Such agreement is to be registered by the Registrar. If the agreement refers to future disputes it may be revoked by either party by 6 months' notice. Where arbitration

is provided no conciliation proceedings will be begun provided the union agreeing to arbitration consists of a majority of members affected by the dispute. In the case of a Representative Union it is enough if some of the members affected by the dispute belong to it.

• Strikes and lock-outs without notice of change in the standing orders, or during the pendency of conciliation proceedings, or in contravention of agreement for a proposed change, or after two months from the conclusion of conciliation proceedings are declared to be illegal and penalties are provided for them.

Another Act which regulates the conditions of employment of a class of workers in which organization is generally weak or absent is the *Shops and Establishments Act*. It seeks to limit hours of work in shops, commercial establishments, restaurants, eating houses and other establishments. It also regulates the employment of children and young persons in these establishments. The Act fixes a maximum of $9\frac{1}{2}$ hours' work in any day and a maximum of 120 hours' overtime during any year for employees in shops. The periods of work and intervals of rest are not to be spread over more than 12 hours a day. In some cases the spread-over is to be not more than 14 hours. For employees of other establishments except commercial ones a ten-hour day with intervals for rest and a maximum spread-over of 14 hours are fixed.

In the case of commercial establishments the maximum hours of work are fixed at 208 in any month with a maximum of overtime of 120 hours in a year. A spread-over of work of 12 hours, except for six days in a year when the limit may be relaxed by Government to meet extra work such as stock-taking, is also provided.

All employees affected by this Act are to get a weekly holiday with pay. The opening and closing hours of these establishments are to be regulated by Government. In respect of over-time work wages at the rate of $1\frac{1}{4}$ times the ordinary rate are to be paid.

Children below 12 are not to be allowed to work in these establishments. Young persons between the ages of 12 and 17 are not to be employed before 6 a.m. and after 7 p.m., nor are they to work for more than 8 hours per day or 42 hours per week.

The duty of enforcing these provisions is to rest mainly on municipal authorities. Where an area is outside the jurisdiction of any local authority the Provincial Government is to enforce the Act in that area.

The third main item of Congress legislation was *municipal reform*. By a series of amending Acts, the constitution of

municipalities and local boards has been changed. In regard to the Bombay City Corporation the nomination of members is abolished and the wards have been redistributed. It has also been provided that from 1942 onwards adult franchise should be introduced for elections to the Corporation. The term of that body is also to be four years in stead of three from 1942. Nomination of members has been similarly abolished in municipalities and local boards. For members of backward classes, minorities and women, representation by means of reserved seats in joint electorates is provided for in these bodies. Further, Muhammadan voters in Muhammadan constituencies for elections to district local boards and municipalities are given an option to declare that separate Muhammadan constituencies should be abolished. If such a declaration is made they would be given representation by reservation of seats in general constituencies.

The Primary Education Amendment Act has been passed to get over certain difficulties experienced in the working of the original Act. The amended Act takes away from the School Boards of local authorities control over the Administrative Officers and the inspecting staff. Henceforward these officers are to be appointed by and are to be the servants of the Provincial Government. The Act also provides for the establishment of a Provincial Board of Education whose function would be to advise Government in all matters connected with primary education.

Local Self-Government has been advanced in the rural areas by *the Village Panchayats Amendment Act*. This measure provides for the compulsory establishment of Panchayats for every village or other local area having a population of 2000 or more. The nomination of members of the panchayats is abolished. Every Panchayat is to consist of from 7 to 11 elected members. Reservation of seats for minorities is to be made if such a step is found necessary in view of the population-composition of the village. The Act also provides for the establishment of village benches of 5 persons by election from among the members of the panchayats. These benches are to exercise judicial powers. Appeals from their decisions lie with the District Court and the District Magistrate. Every panchayat is to have a Secretary appointed by the Provincial Government. He is to keep the accounts of the panchayat and perform such other functions as may be prescribed by the Government. He is also to act as the judicial clerk of the village bench.

The Government intended to bring forth a comprehensive measure for the reorganization of local bodies on getting the report of a committee appointed to investigate into a unumber of re-

levant questions. But within a week after the committee reported, the Government resigned.

III

In the administrative sphere, a number of developments have taken place. These touch on such questions as police and jails; labour and co-operation; physical, technical and literary education, and the training of teachers; rural development and prohibition. But it is the last two which stand out as the most important of the Government's administrative measures.

A new department has been created by Government in order to coordinate the work of various other departments concerned with rural development. It is to be known as the *Co-operative and Rural Development Department*. The Registrar of co-operative societies is also to be the Director of Rural Development. In due course, other departments like the Agricultural department are to cease general work in rural reconstruction which will be managed by the new department. These other departments are to concentrate on their specialised activities and the results of their researches, etc., are to be popularised by the new department. A Board of Rural Development is to advise the Government on the general principles and policies regarding rural development activities in the province. This Board is to consist of the Directors of Rural Development, Agriculture, Veterinary Services, and Industries and a few non-officials. The Minister for Rural Development and Agriculture is to preside over the Board.

Rural Development Officers are to be appointed in charge of the work of the Department in the districts. A marketing officer is to be attached to each of these officers. The marketing officers are to organise and supervise over the co-operative sale and supply societies in rural areas. There is to be a chief marketing officer attached to the Assistant Registrar of co-operative societies in Bombay. He is to do in Bombay what the other marketing officers will be doing in the districts. He is also to serve as a liaison officer between the marketing organizations, trades and consumers in Bombay, and the co-operative sale and multi-purpose societies to be started in rural areas.

In the district centres Rural Development Associations consisting of the Rural Development Officers and non-official workers to help the development work are to be started. Similar Associations are also to be started in Talukas and groups of villages. About 900 Debt Composition Boards are to be established for the

purpose of expediting the machinery of debt composition provided by the debt relief Act. A number of land mortgage banks are to facilitate the repayment of scaled down debts. The co-operative movement is to be strengthened in order that it may be able to provide cheap short-term credit to the peasants. A scheme for training village workers and those educated persons who wish to be absorbed in the villages is also contemplated. A provision of Rs. 45 lakhs was made in the budget for the year 1939-40 for rural development. Under the Governor's regime this sum has been substantially reduced.

The introduction of *Prohibition* was the declared policy of the Congress Ministry. Even during the first six months of the Ministry's tenure of office steps had been taken to reduce the number of toddy booths in Bombay city. Later the whole of Ahmedabad city and suburbs was constituted into a 'dry area', i.e., a no-licence area. In addition three rural areas in the three divisions of the Province were made 'dry.' In other areas the number of shops was reduced by refusal to renew licences. In Bombay city liquor and toddy shops were ordered to be closed on mill pay-days. These 'dry days' were also extended to the suburbs of Bombay. One year after the introduction of dry days, i.e., from 1st August, 1939, the City and suburbs entered into the phase of complete prohibition.

The entire Prohibition programme of the Government was launched under the authority of rules made under the Bombay *Abkari Act, 1878*. The policy of Prohibition had, of course, been thoroughly discussed by the legislature when the loss of revenue on account of Prohibition was proposed to be made good by taxing urban immovable property in Bombay and Ahmedabad, and by other taxes. Under the rules made by Government an area was marked out to enforce Prohibition. From August 1, 1939, no person was to be allowed to be in possession or to import or bring into the prohibition area any country or foreign liquor, toddy, hemp drugs or opium except in accordance with the prescribed rules. Licences for the retail sale of liquor or drugs were withdrawn. Possession or disposal of foreign liquor was, however, to be allowed under a trade and import licence, or a vendor's licence. Facilities were to be provided for the existing holders of trade and import licences to continue their trade for sale outside, or under restriction inside, the prohibition area. These rules were embodied in Government Notification of July 17, 1939.

On the 11th of April, 1940, in an appeal before the Bombay High Court against the decision of a Presidency Magistrate who

had declared the Notification of 17th July, 1939, to be *ultra vires* and therefore void, the High Court upheld the decision of the lower Court. The Notification was issued under Section 14 B (2) of the *Bombay Abkari Act*, 1878. It was held that the *Abkari Act* which was intended for the regulation of the manufacture, trade etc., of intoxicants with a view to obtain revenue for the Government, could not be used for making rules regarding total prohibition. The Preamble and the relevant section of the *Abkari Act* were as follows:—

Preamble: “Whereas it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale and possession of liquor and of intoxicating drugs in the Presidency of Bombay; it is enacted as follows”

Section 14 B: “(1) No person not being a licensed manufacturer or vendor of any excisable article or hemp and no licensed vendor except as authorised by his licence shall have in his possession any quantity of any excisable article or hemp in excess of such limit as Government under Section 17 may declare to be the limit of retail sale, except under a permit from the collector:

Provided that nothing in sub-section (1) shall extend to any foreign liquor, other than denatured spirit, in the possession of any common carrier or warehouseman as such, or purchased by any person for his *bona fide* private consumption and not for sale.

(2) Notwithstanding anything contained in sub-section (1) Government may by notification in the Bombay Government Gazette prohibit the possession by any person or class of persons, either throughout the whole Presidency or in any local area, of any excisable article, either absolutely or subject to such conditions as it may prescribe.”

On the same day on which the High Court judgment invalidating the Prohibition rules was delivered the Governor of Bombay passed an Act amending the Abkari Act in the light of the judgment. And Prohibition seemed to be assured. According to the Governor's Act the following words were inserted in the Preamble of the old Act:—“and whereas in order to promote, enforce and carry into effect the policy of Prohibition, it is necessary to prohibit the import, export, transport, manufacture, sale and possession of liquor and of intoxicating drugs in the Province of Bombay or in specified areas thereof.” In section 14 B of the old Act the proviso to sub-section (1) was deleted, and in sub-section (2), for the words “any person or class of persons” the words “any individual or body of individuals or the public generally” were substituted.

These amendments were to have retrospective effect according to section 7 of the amending Act which reads:—

“The amendments made by this Act in the preamble and the provisions of the said Act shall have effect from the date on which the said preamble and the said provisions were respectively enacted and any rule, order or notification made or issued under the said Act before the commencement of this Act shall be deemed to have been made or issued under the said Act as amended by this Act”

But that was not the end of the story. For, on a reference made to the High Court by another Presidency Magistrate, the High Court held on July 1, 1940, that the Governor's Act did not validate the notification of July 17, 1939.

Their Lordships held that the notification which was declared to be *ultra vires* and hence void, not being in force on the day the Amending Act was passed, could not be enforced under section 7 of the Amending Act. The notification was not revived by the Governor's Act, hence no one could be convicted under it. Their Lordships held that it could have been enacted that the notification should be treated as being still in force and as having been issued under the Amended Act. But this was not done.

There the decision of the High Court really ended. But the Advocate-General asked for the High Court's opinion on the validity of the notification if it had been revived by the Amending Act. Their Lordships' opinion, which was only an *obiter*, was that even if the notification had been revived, it would be declared invalid as being *ultra vires* of the provincial legislature. The reasons for this opinion were to be found in the distribution of powers between the Provincial and Federal Legislatures according to the 7th schedule to the *Government of India Act, 1935*. Item 31 of the Provincial list empowered the Provincial legislature in respect of the “production, manufacture, possession, transport, purchase and sale of intoxicant liquors, opium and other narcotic drugs”. Under item 19 of the Federal list “import and export across customs frontiers as defined by the Federal Government” was a federal subject. Customs frontiers were defined as “the frontiers whether one or more than one, whether sea or land, whether exterior or interior, of British India”. Since the powers of the Provincial legislatures were to be exercised subject to those of the Federal legislature, prohibition regarding possession went against the federal powers of legislating for import and export.

The result of the judicial decisions and the opinion of the Court indicated above has been the abandonment of the Prohibi-

tion programme as planned by the Congress Government. Nearly 200 prosecutions for the possession of liquor in the courts of Bombay alone were withdrawn by the Government.

The fiasco of Prohibition has been attributed by the ex-Premier of Bombay to the lukewarmness on the part of the Executive in enforcing Prohibition. He has also passed strictures against the decision of the High Court which went against the best advice of the Law Officers of the Government and of certain eminent lawyers. The ex-Premier has also referred to the comprehensive legislation which his Government had decided to propose in connection with Prohibition but which was delayed by other equally pressing matters. The notification was intended to serve only as a stop-gap before the legislation was put through.

Among other administrative measures, the ministry abolished the benches of Honorary Magistrates except those in the city of Bombay. The dilatoriness of these bodies had long been causing inconvenience to the public. Measures were also taken to check corruption among officers through anti-corruption committees appointed for every district.

IV

A study of the working of Provincial Autonomy in Bombay reveals certain interesting features which are well worth recording. A matter of constitutional interest is the position of the Second Chamber in the Provincial Legislature. Experience in Bombay has shown the superfluity of the Second Chamber. A body consisting of 30 persons elected on a restricted franchise to represent certain vested interests has no *raison d'être* in a democratic constitution. That is also true of a Province like Bombay where all those interests can find representation in the Lower House consisting of 175 elected members. The course of legislation during the 27½ months of democratic government has exploded beyond all doubt the myth of the necessity of checking the excesses of the Lower House through a guardian Second Chamber. For one thing, the Lower House does not commit excesses; and for another, the Upper Chamber is hardly suited to guard any interests but those of its own constituents. The Bombay Legislative Council became, in effect, a sort of registry for decisions which had already been arrived at in the Legislative Assembly.

The fascination for files on the part of Congress Ministers is another interesting though somewhat deplorable feature. Ministers have to make policies. If they are steeped in adminis-

trative detail they not only lose the freshness of outlook which is such an invigorating influence in democratic government, but are likely to become mere cogs in a machine which has a great efficiency for producing yards of red tape. The complaint of over-work which some ministers took delight in voicing and which the public generally received in a spirit of wondering admiration was due largely to this excessive attachment to administrative business and the unbusinesslike methods of its disposal. Mahatma Gandhi had a far better perception of the ministers' function when he characteristically advised them to "burn the files".

The experience of ministers in their dealings with the public is also rich in interesting revelations. Bureaucratic government which has become such a deep-seated habit with the people of this country was peeping through all sorts of appeals addressed to the ministers by all sorts of people in the Province. So much so that the Finance Minister was forced to conclude that "people want to establish a complete system of State control over every aspect of life". This is what has grown in the shadow of bureaucracy!

In one respect the ministers seem to have outdone all former governments. That is in the appointment of committees. Now it will be admitted that before any large scheme of reforms can be put through, it is necessary to investigate into all aspects of the problems under consideration. For this purpose committees are required. But under the Congress regime membership of these committees was largely drawn from a very limited circle. There seems to be no justification for preventing persons of ability and experience from contributing their instructed judgment to the preparation of schemes which are, in the last resort, subject to alteration by the Government. If, however, committees are appointed mainly to support Government's views in regard to any matter, that can be done far better by departmental inquiries. The democratic form of investigation by specially constituted committees of experts must not be used for concealing the true nature of the inquiry. It will be an interesting study to review the composition of these committees, their terms of reference and the reports they have submitted with a view to find out if their work could not have been done at a cheaper cost through departmental inquiries or even by the appointment of single experts instead.

One final fact which emerges out of the experience of the period under review is the rigid limitation placed by the *Government of India Act, 1935*, on the powers of Provincial Governments. The restrictions in this behalf are particularly onerous in

the sphere of provincial finance. No amount of ingenuity on the part of the Finance Minister is likely to succeed in making adequate provision for developing the various nation-building departments in the province. To a certain extent these difficulties are due at the present moment to a lack of correspondence between the aims of the provincial and central governments. But that merely points to the incompatibility between democratic provinces and an irresponsible Central Government.

REVIEW.

HOW INDIA IS GOVERNED?—(A Survey of Constitution and Administration) by N. S. Pardasani, M.A., Lecturer in History and Political Economy, Elphinstone College, Bombay. Published by New Book Co., Bombay, 1940, Price unspecified.

This is a Text Book, clear, concise and within its limits, quite comprehensive. Within some three hundred and odd pages the author packs a brief history of constitutional development and administrative evolution, a fairly detailed account of the structure of the present Central Government and of the proposed Federation of the Act of 1935 and Provincial Autonomy as well as a survey of the more important aspects of the administrative system, Finance, Justice, Local Government, the Services, District Organization, Land Revenue, Police and Gaols and Famine Relief. The book has the merit of readability.

The reviewer must however, add a few lines of criticism. Perhaps one should not expect any suggestiveness at all in a work of this kind. If one does he will be disappointed. This is the most serious defect of the book. The book is almost purely description, and at that a description of a constitution that did not come into operation in its more important aspects, and is dead in the parts in which it was brought to life. The author summarises current ideas on Federalism, Provincial Autonomy, Local Government and such general subjects as also the current criticisms of the proposed Federal Structure, the system of communal electorates, about the Services and of Federal Finance, but offers no solutions to the problems raised. Here and there a few unsubstantiated and untenable conclusions presented. And there are one or two conspicuous omissions.

To turn to particulars:

The problem of States must receive more adequate treatment and cannot be dismissed in a few lines as is done on pp. 89-90.

The conclusion on page 90: "That the introduction of Responsible Government at the Centre can be fairly made only when an All-India Polity is established." Is surprising since the author quotes Professor Keith with approval that "Federation was largely evoked by the desire to evade the issue of extending responsible government to the Central Government of British India." p. 164.

The criticism of the attitude of the Opposition in the present Central Legislature on p. 79 that it has "lacked responsibility and taste in its criticism" is harsh besides missing the peculiar position of an Opposition standing for national rights against an unmitigated autocracy.

The condemnation of the Jury system on p. 267 misses the point of a jury system as the safeguard against executive arbitrariness and a subservient Judiciary.

In dealing with the police system and the C.I.D. there is no mention of political offences. p. 355.

More serious than these. The "solution" offered by the author to the problem of Provincial Finace (pp. 240-241) might as well have come from the Army Secretary.

One or two inaccuracies: Throughout the book the author confuses the Crown with the person of the Sovereign. On p. 243 we read: "The Crown in England performs *his* functions on the advice of his ministers" This is inexcusable.

The Village officer receives no regular salary from the government." p. 356. This is not the case. (at least in Madras).

Some printing errors which have come in way of his review:

"raison de'être" p. 174;

"the officials of the district" p. 266.

"spur and reign" p. 328.

It is hoped that enough has been said to prove the general criticisms offered here. The reviewers would like to conclude that the book is a safe text-book for students of the Intermediate and the B.A. of our Universities if the teacher does not expect much from it besides description.

N. SRINIVASAN.

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MADRAS

A MUSLIM POLITICAL THINKER OF THE 9TH CENTURY A.C.—IBNĪ ABĪ'R-RABĪ*

BY

H. K. SHERWANĪ,
Osmania University.

Introduction.

It is only recently that attention has been drawn to a scientific study of the political thought of the early Muslims, and even they have been dealt with by the moderns more as writers on ethics and philosophy than as political thinkers. This does not surprise us much. Political philosophy and the science of administration were not known as such in the West till comparatively recent years, and the Europeans of the XVI and XVII centuries, when a study of these sciences began to take shape, were either too ignorant of political thought among the Mussulmans or were too prejudiced against the Muslims to have any clear vision of the services rendered to humanity by their religion and specialised culture. As a matter of fact, while the period between the fall of Rome in 476 and the rise of Charlemagne more than 300 years later was a dark spot in the history of the West where civil wars, religious intolerance and almost utter lack of government were the order of the day, among Oriental peoples it was an era of enlightenment, orderly progress and the enjoyment of the best God had given to man. This progress steadily went on both in mundane and spiritual spheres for another five hundred years, and Alhazen, Rhazes, Avicenna and Averroes became household names in Europe as some of the foremost thinkers of the world. But it was only natural that such as had been written on administration should not have much of a following here, as political science had not yet drawn their attention and learned men who ought to have known better, wrangled on the puerile concepts such as whether God had been crucified in the person of Christ by the legate of the Emperor of Rome!¹

* A paper submitted to the Indian Political Science Conference, Third Session, Mysore, December, 1940.

¹ This was one of the arguments levelled against the upholders of the supremacy of the Papacy by the Imperialists and is found in Dante: *de Monarchia*, Bk. II. See Pollock: *History of the Science of Politics*, ch. 2.

No doubt a certain amount of incentive was given to Muslim thought by the translations of Greek authors into Syriac and Arabic in the time of the early Abbasids, but the immediate influence of these translations might easily be exaggerated. As has been said elsewhere, the Arab world was not cognisant of Aristotle's work on 'Politics' while the other political work ascribed to him, namely, 'the Constitution of Athens' has been unearthed only in our own time and the only Greek thought of political matters consisted of Plato's *Republic* and the *Laws*.² The early Muslim writers on politics no doubt drew a certain amount of inspiration from the translations, still we must remember that the thought itself, with its multitude of illustrations from Persian, Arabic and Indian sources, was purely Oriental in essence, and time had not yet arrived for the westernization of thought at the hands of Muslim thinkers of the West such as Ibn-i Bājjah, Ibn-i Tufail and Ibn-i Rushd.³

There is a third point which we have to bear in mind. The divorce of ethics from politics, with such disastrous effects for the world, did not become the fashion till after Macchiavelli had made Politics the purely mundane, material science that it now is. The early Muslim writers could not even think that a study of political science was at all possible without setting a strong ethical background for the action of the rulers, or that any country could be successfully administered without the salutary effect of the interaction of administrative with ethical principles.

The Background.

Here we will deal with "the earliest philosophical treatise" by a Muslim in which are couched the principles of politics and administration.⁴ The work in question is called 'Sulūku' I-Mālik(-) (-)fi tadbīri 'I-Mamālik' and is by Aḥmad b. Maḥammad b. Abī'r-Rabī', surnamed Shihabū'd-din, compiled, it appears by the order of the eighth Abbasid Caliph, Mu'taṣim, the son of the great Hārūn al-Rashīd and the successor

² See Sherwani: *al-Fārābī's Political Theories*, Islamic Culture, 1938, p. 292; Rosenthal: *Plato's Philosophy in the Islamic World*, I.C., 1940, p. 411.

³ Ibnī Bājjah ('Avempace'), of Saragossa, died, 1138; Ibnī Tufail of Guadix, died, 1185; Ibnī Rushd ('Averroes') of Cordova, died, 1193.

⁴ Thus in Brockelmann: *Gesch. d. arab. Litteratur*, I, 209.

of his own brother Māmūn.⁵ This was perhaps the most resplendent period of the Abbasid Caliphate, and the lustre of Hārūn's epoch coupled with the progressive and highly erudite atmosphere of Māmūn's epoch, had made Baghdad the centre "not only of the Muslim world but of the world at large."⁶ The State was then the home of such intellectual giants like the traditionist Bukhārī, the historian Wāqidi, the legist Ahmad b. Hanbal, one of the four great imāms of Sunnī jurisprudence, the Shūte Imām Ali ar Ridā and the poet Abū Tammām, besides such non-Muslims as Hunain b. Ishāq el-'Ibādī and Jurjīs b. Bakhtīshu', both of whom were prominent in making the Greek system of medicine known to the Oriental world. Just before Māmūn's death in 217/833 was founded the Baitu'l-Hikmat or 'the House of Wisdom', and it was under its roof that most of Plato's and Aristotle's ethical and philosophical works were done into Arabic. It was thus six hundred years, before the Classics became a source of inspiration to Europe, that the first rays of their revived form became visible in the East, rays which were to illumine the West by the Latin translations of Arabic renderings of the Greek and Alexandrine writers.⁷

Administration.

The system of government in Mu'tasim's time had not been elaborated to the extent reached some years later, still it was already fairly complicated. The ministry or dīwānu'l-'Azīz was divided into a number of departments such as the dīwānu'l-kharāj (Revenue Department), dīwānu'l-Jund (Army Department), dīwānu'sh-Shurṭah (Police Department) etc., while the Caliph al-Mahdi began to appoint a Ḥājib or Lord Chamberlain whose chief function consisted in introducing foreign ambassadors and other representatives to the Caliph and performing other duties of a like nature. As regards the judiciary there was a Qādiu'l-Qudāt or Chief Justice at the capital with Qādis and 'Ādils interspersed throughout the State, and it was regarded as of the utmost

⁵ Hārūn, 786-808; Māmūn, 813-833; Mu'tasim, 833-842. Name of the work, '*Way of the Ruler and the Government of the State*'. The book has been lithographed at Cairo, 1286 H. Ref. Brockelmann, I, 209; Hājī Khalfah: '*Kashfu'z-zunun*', No. 7239; *Cat. of the Bibl. nation.*, No. 2448; Goldziher: *Abh.* I, 66.

⁶ Weil: *Gesch. d. Chalifen*, II, ch. on Mu'tasim, pp. 295-336, Urdu tr. by Prof. J. Rehman.

⁷ For a general discussion of the translations see O'Leary; *Arabic Thought*, London, 1922, ch. IV.

importance that these should be entirely independent of the Executive in all their actions and judgments. It was a matter of principle that the 'zimmī' or protected non-Muslim sects were entitled to have their own civil suits adjudged by their own judges without any governmental interference, while criminal cases in which any citizen of the State, Muslim or non-Muslim, was arraigned, went to the *Ṣāhibu'l-Maẓālim* functioning under the Department of Criminal Justice which was presided over by the caliph himself.⁸

In the Islamic State as had already developed there was to be seen an almost perfect religious and racial toleration such as was not to be met with in the Western world for a millennium to come. Mu'taṣim was himself a man of a strong character, and it was no doubt his aptitude for ruling a vast empire that made Māmūn appoint him his successor to the exclusion of his own son 'Abbās, a feature rarely to be met with in history. Although at constant war with the Christian Byzantine Emperor Theophilus, Mu'taṣim's court was open to men belonging to all races and professing all religions alike. His first Prime Minister was a Christian Faḍl b. Mārwān and he kept the Nestorian Christians more or less in charge of the Academy of the Baitu'l-Ḥikmat. He was the upholder of perfect equality of the races inhabiting his vast empire and promoted those belonging to the Turkish race such as Afshin, *Ītākī* and Ashnās with the result that he came to be hated by those of his own kith and kin, and he left Baghdad, the centre of Arabic culture, for a new capital at Sāmarrā rather than bow to the racial communalists of the capital. We would well realise the extent of the toleration shown by him when we know that his next-door neighbour, the Emperor Theophilus, the upholder of a theology which "made him a stern bigot" making of him a religious maniac and who did not allow anyone in his dominions to worship images, even to the extent that his own wife, the Empress Theodora, an image-worshipper herself, had to pretend to her husband that the images in one of her rooms were only playing dolls when he once chanced to see them! Theophilus was so intolerant that he had a famous painter of religious subjects imprisoned and flogged, and put under the rack monks who dared to act against his edict prohibiting any display of public worship.⁹

⁸ See Sherwani: *Some precursors of Nizāmu'l-Mulk Tūsī*, I.C., 1934, p. 15.

⁹ Theophilus, Emperor of Byzantium, 829—842. For these and other curiosities see Finlay: *History of Greece*, II, 142—160.

In spite of his broad-mindedness, however, Mu'tasim could not tolerate any attempt at insubordination or revolt, and lay his heavy hand on any recalcitrant however influential and powerful he might be. He put down without much concern the rising of Babek Khurrami who wanted to upset the prevalent social system and establish a kingdom of nihilist communism, and later, when he knew that his own military commander, for whom he had done so much, the Turk Afshin, was in a league with his enemies and was really a hypocrite at heart, he forgot all the services he had rendered to him and had him forthwith imprisoned.

When did Ibni Abi'r-Rabi' write?

Before dealing with the work proper it is better to discuss in a short compass the question of the period in which the author wrote. This is necessary as some doubt has been cast whether such a compendious work, complete in all its details, could have been composed as early as Mu'tasim's reign. While the German Arabicist, Brockelmann, is not able to specify the exact period of the author and only says that "it is really a much later work" than Mu'tasim's reign.¹⁰ Jurji Zaidan, the well-known Christian author of modern Egypt, is more explicit in assigning the work to Musta'sim's period. He gives the following reasons for his surmise:¹¹

- (1) The whole work is compiled in the form of columns and tables much after the fashion of genealogical trees and is perfect to a fault, showing a completeness not possible for one who preceded the philosophers al-Kindi and al-Farabi.¹²
- (2) The name Shihabu'd-din is not found in histories and encyclopaedias of the Abbasid period before Ibni Nadim's Fihrist which was completed in 338/950.
- (3) It is probable that the name of the Caliph was mixed up and the work was compiled not in Mu'tasim's but in Musta'sim's reign, so that it was antedated by a careless scribe by more than 400 years.

¹⁰ Brockelmann, *op. cit.*

¹¹ Jurji Zaidan: *History of the Arabic Literature* (in Arabic) Cairo, 1911, II, 214.

¹² Al-Kindi died about 873. Farabi, 870—950.

Taking the first point first, it has already been mentioned that a large number of the ethical and philosophical writings of the Greeks had been rendered into Arabic both by independent agencies and under the aegis of the Baitu'l-Hikmat under Hārūn and Māmūn, and an impetus had been given to independent thought thereby. Moreover, we know that al-Kindī was old enough in Mu'taṣim's reign to be the tutor to the Caliph's son, and our author must have breathed in the same erudite atmosphere as the one surrounding the better known philosopher. It is almost an insult to the period following 'the Augustan age of Arabic thought' such as the reign of Māmūn has been dubbed to say that it could not produce the compendium which has been attributed to it. As far as the epithet 'Ṣalāḥu'd-dīn' is concerned, Jurjī Zaidān rightly says that such names are not met with in the early years of the Abbasid dynasty, but we should remember that our author's name was Muḥammad and Shihābu'd-dīn and cognate phrases were originally not names at all but were rather meant as laudatory epithets which might have been added later by a scribe who knew the worth of the writer. This epithet means 'the Meteor of the Faith', and it is just possible that as our author's fame was eclipsed by thinkers who came after him, a well-meaning friend might have likened him to a meteorite. We should not conclude in any case that there was no such person as Muḥammad, son of Aḥmad, son of Abi'r-Rabi' in Mu'taṣim's reign, simply because a certain laudatory epithet appears along with his name.

We now come to the last point in Zaidān's argument, that it is possible that the name Mu'taṣim might have been mixed up with Musta'ṣim, as eventually in Musta'ṣim's reign names like Shihābu'd-dīn had begun to appear.¹³ Now, as we are aware, while Mu'taṣim's reign was the azimuth of Abbasid glory, that of Musta'ṣim was its nadir, the dynasty—and the Caliphate—disappearing entirely through the lethargy and indolence of the Court, the machinations of the traitors and the power of Hulāgū. Musta'ṣim's was hardly the time for the analysis and construction of ethical, military and political principles by a distinguished thinker like our author. Then we have the very definite internal evidence that the author was commanded to compile the work,¹⁴ and while describing the command, the author says that it was his good fortune that his master Mu'taṣim had the qualities of

¹³ Musta'ṣim, 1226—1242.

¹⁴ *Sulūk*, preface, p. 3.

an ideal monarch and knew how to utilise these qualities to the best advantage. That was, says the author, why many nations and countries had bowed down to him, wars had ceased, ignorance had disappeared giving place to knowledge, and no one dared to tyrannise over others.¹⁵ This could hardly be a description of Musta'shim's reign, while this was a very apt description of conditions prevalent in Mu'tasim's time. More than that. When dealing with the necessary requisite of a good *vizier* he says that it was God's Grace that a man had been made their wazir whose language led the linguists of the Arabic-speaking world by the nose-strings.¹⁶ Now we are fully aware that Mu'tasim's last wazir, Ibn Zayyāt, was distinguished for his great learning in the language and literature of the Arabs and that he had risen from the ranks by dint of his sheer ability and hard work, remaining wazir right up to the accession of Mutawakkil. There can thus be no doubt, that the work with which we are dealing belongs to Mu'tasim's reign, *i.e.*, to the early part of the 3rd century A.H. and not to the 7th century A.H. where Zaidān put it.

We now come to Brockelmann.¹⁷ In the first volume of his great History of Arabic Literature he definitely says that "the work is the first Islamic political writing that we possess," but later he is startled to find a close parallel with a number of later works such as the Neo-Pythagorean Oikonomikos, Ibn Butlān's Taqwīmu's-Ṣiḥḥa and the Akhlāqu'l-Mushajjar (written in 655—1256) coming to the conclusion that the *Sulūk* is "a much later work."¹⁷ He gives a list of manuscripts of the work found in Leiden, Naples and Istanbul, and it seems that all these agree with the script in the two printed editions of the book in ascribing the period to Mu'tasim's reign. Against this definiteness the mere fact of there being certain later "parallels" should not lead us to the conclusion that the work was a copy of these "parallels", for equally well these "parallels" might easily have been copied from portions of the *Sulūk*. It is perhaps these considerations which make Brockelmann undecided about his conclusion, for even in his supplement he does not contradict his earlier assertion that the work is definitely "the first Islamic political writing that we possess."

¹⁵ Ibid., 22.

¹⁶ Ibid., 124.

¹⁷ Brockelmann, erster Suppl., 1927, p. 372.

Taking all these points in our fullest consideration along with the internal evidence produced above, one is bound to come to the conclusion that at least the politico-ethical parts of the work were compiled in Mu'taṣim's reign, and thus it takes precedence over Fārābī's works on political theory by many decades.

THE SUBJECT-MATTER

Man among other creatures.

To quote Zaidān, the Compendium "is of great utilitarian value, dealing with Politics, Sociology, Philosophy, Physics, Mathematics and Music, and is divided into four parts, namely, (i) Introduction; (ii) Principles of Ethics and its sub-divisions; (iii) Significance of human wisdom and its regulation; (iv) Politics, its divisions and its organization. All these topics are further subdivided into chapters and their enunciation and rules are described in columnar form or tables in the best of style."¹⁸ A fourth of the work deals directly with political principles and nearly another fourth with the principles of human organization.

Our author begins his work with the position of Man among other living creatures. He says that every being that God has created falls into one or other of the two groups, the higher and the lower, and it needs no demonstration to show that the existing has preference over the non-existent, the living over the non-living and those who know over those who do not know, while those endowed with the power of movement, intention and will are definitely superior to those who are not. Of all the creatures Man is the only one who is possessed of all the superior complexes here enumerated along with a faculty which is peculiar to him and is not shared by any other creature, and that is the faculty of the keen perception of the probable consequences. He is endowed with thought and judicious discretion and chooses what he feels is best. He tries to attain the highest station in life possible and succeeds in his attempt whenever he does not deviate from this sense of judicious discretion and perception of consequences and whenever he is not overpowered by his evil desires.¹⁹

The Social nature of Man and its consequences.

Man being a thinking animal, he has naturally two chief faculties, the thinking faculty and the animal faculty, and his

¹⁸ Zaidān, II, 215.

¹⁹ *Sul.*, 7.

whole being is in a way suspended between the two, sometimes swaying towards one and sometimes towards the other. As an animal he prefers a quick satisfaction of his desires while his thinking faculty leans towards the best possible consequences of his actions. It is obvious that when the *differentia* between Man and other living creatures is just this thinking faculty based on human common sense, man without it would be no better than animals.²⁰

Now this thinking, foreseeing animal called Man, is so created that he cannot fulfil his wants by himself and needs others' help for the purpose. A carpenter wants certain of his necessities to be made by the blacksmith, the blacksmith from the worker at mines, the latter from the labourers and so on, so that every industry is a complement of the other. If man had been able to satisfy all his wants by himself there would have been no need for mutual help and cooperation, and it is really this action and interaction of wants which fixes wages, prices, profit and loss and all other economic phenomena.²¹ Moreover, from the nature of things, in addition to the manufacturers and wage-earners, no one can lead a self-sufficient life, and apart from marital relations²² every individual is dependent on a host of other individuals. It is therefore necessary for them to gather together in groups so that mutual help and intercourse should be facilitated. God has therefore created in Man a sense of liking for his fellow-man as well as strong leaning towards collective action.²³

Gatherings of the population of a country are of two kinds, rural or agricultural and urban. The importance of the rural points is said to be that it provides food to the whole population of the country and is therefore its mainstay. Agriculture, according to our author, predicates three important rights of those who are engaged in it, namely, that they should be provided with plenty

²⁰ *Ibid.*, 24. Compare this idea of Man being a *thinking* animal with Aristotle's definition of his being a *political* animal in his *Politics*, I, 8.

²¹ *Sul.*, 75. Compare this analysis of Man's rise to the citizenship of the State with Ghazzālī's analysis as given in the *Ihyā'u'l-'Ulūm*, III, 6, v; see also Sherwani: *al-Ghazzālī on the Theory and Practice of Politics* I.C., 1935, p. 450; Sherwani: *Islamic Political Thought*, a paper read at the VIII International Congress of Historical Sciences, Zürich, 1938, 'Communications presentees', II, 445. Ghazzālī, 1058—1111.

²² A complete analysis of the human marital relations is sketched in *Sul.*, 80 and 81.

²³ *Ibid.*, 75.

of water, they should be free to carry on their work without let or hindrance and should be taxed lightly according to the scale laid down by the Law. The rest of the population lives in towns or cities, and is thereby assured of a peaceful life, safety of their property and the honour of their womanhood. Moreover, by living together their needs are easily satisfied while they have a chance of increasing their earnings by mutual cooperation. Just as plenty of water and low taxation is the desideratum of the rural population, so a good locality, plenty of air, water and fuel, a city-wall and a sense of safety from a possible external foe are all necessary for the upkeep of the urban section of the population, and if any of these conditions is missing, the town or city would be in a great danger of obliteration.²⁴

Place of Politics in the scheme of human knowledge.

We have now come to the threshold of Politics proper. Our author dwells at some length on the division and subdivision of human knowledge covering practically all the sciences and arts that were known in his day, demonstrating his great power of analysis. He begins by dividing the scope of human wisdom into theoretical knowledge and practical application. He then redivides theoretical knowledge into (i) higher, which has its basis in the brain and deals with purely metaphysical subjects, (ii) middle, centred in memory and dealing with mathematics, literature and linguistics, and (iii) lower, relating to the Natural Sciences and based on feeling. It is under the heading of Middle Knowledge that he puts the knowledge of facts and happenings in bye-gone days, of the deeds of Kings and their policy and of the states and their evolution which course is connoted by the term 'History.' When we pass on to the application of theoretical knowledge to practical needs, or Action as opposed to Sciences proper, we see that these are subdivided into (i) control over one's self and one's body, (ii) control over the household, (iii) control over other persons. This third division of Actions connotes what we mean by Politics, and this is said to be the need of man, so long as he is alive.²⁵

²⁴ *Ibid.*, 118. Aristotle fails to make this distinction between the urban and the rural which is the essential condition of the life in a State, ancient or modern.

²⁵ *Ibid.*, 61. This is in advance of Ghazzālī who divides all sciences into those connected and those unconnected with religion; Ghazzālī; *Munqidh*, 15. It is rather strange that Pollock divides 'Moral Sciences' under 'Knowledge' and 'Action' much after the fashion of the *Subūḥ*; see his *Hist. of the So. of Pol.* I, 4.

It will thus be seen that to our author History is to knowledge in general, what Politics are to application and action, and the former is treated as a necessary complement to the latter, for the great officers of the State, the Ruler, ministers, royal chamberlains and judges, are all admonished to study History in order that they may know their position, their rights and duties in the light of the action of their predecessors-in-title in the past.²⁶

Sovereignty and the ideal Sovereign.

Once granted the need for a corporate life and action, one great difficulty is bound to arise, and it would be produced by each individual having his own particular way of doing justice and exercising oppressive behaviour in certain cases according to his own whims and fancies. It is therefore the Will of the Divine Providence that Heads of Society should be appointed to see that the Divine Laws for the organization of the people and their unity of action are properly enforced.²⁷ In course of time larger political entities are organized or evolved, and a number of these headships are united into one large Headship, the head of which unites in himself some of the highest human qualities, through the exercise of which he manages to control these smaller political entities.²⁸

It is absolutely necessary that the ruler of a State should be the best among the people and he should be supreme in the land, for if there are more than one supreme rulers in the land, it is bound to entail constant quarrels between the pseudo-sovereigns and the whole State would be in a great turmoil.²⁹ In order to ensure peace and prosperity in the land it is therefore of the utmost importance that all the citizens should obey the sovereign's orders and be his helpers, not antagonists, in his efforts at national unity and the organization of the material resources of the country.³⁰

²⁶ *Sul.*, 105, 126, 129.

²⁷ *Ibid.*, 102. Compare, Locke: *Treatise on Civil Government*, II, Ch. 2, where the pre-statal man is supposed to have the right to punish the transgressors of the Law of Nature.

²⁸ *Sul.*, 10. Compare Ibnī Khaldūn's theory of a number of organizations merging into a single organization—*Proleg.*, II, 1.

²⁹ *Ibid.*, 103. Whatever may be the origin of the modern theory of a mono-sovereign state, there is little doubt that the early Muslim thinkers followed the idea of the Divine One-ness and followed the Qur'ānic dictum: "Had there been other deities therein besides the One God, then verily both (the heaven and the earth) would have been utterly disordered" (Qur'ān, xxi, 22).

³⁰ *Sul.*, 104.

Our author is not content with saying that the ruler should be the best among the people but he actually recounts thirteen requisites which should be native to the ideal ruler, and among these are to be found physical and mental superiority, love of knowledge and truth, and the ruler should at the same time be a lover of justice and hater of tyranny and oppression, while he should consider this life only a passing phase and live for the sole desire of doing good to his people.³¹

Naturally such a superior and benevolent sovereign would be different to the autocrats who govern their subjects with the sole desire of making their own lot happy at the expense of their subjects. The work recounts the ways in which the ruler should deal with his subjects, and the first and the foremost thing is that he should make the citizens love and not merely fear him, so that obedience to him should be based on natural inclinations and with the sincere belief that obedience to the Law is good for them all.³² This is only possible if the ruler keeps away from such qualities as greed, pride, vice, unscrupulousness in the fulfilment of his desires, laziness, etc., and has the power to face difficulties and hardships, practise forgiveness and do justice at all costs.³³

Justice.

The book deals with the principles of justice in all its aspects. Justice is defined as the condition of the correctness of the locus of all actions and is based on the happy means between the thinking faculty and the animal nature in Man. It is a function of government which is on a higher plane than other functions, for, says our author, there is a consensus of the opinion of men belonging to entirely different ways of thought about it and there is not one who doubts the need of its efficacy and integrity.³⁴ It consists

³¹ *Ibid.*, 11. Although our author says that in order to ensure orderly succession, the Headship might be made hereditary, still this is only a secondary consideration, the primary being the qualities necessary to make a good Head.

³² *Ibid.*, 107.

³³ *Ibid.*, 109.

³⁴ *Ibid.*, 116. We should remember that Plato's whole burden of argument in the *Republic* is the foundation of the ideal City on the basis of Justice. See Chance: *Until Philosophers are Kings*, London, 1938. But the course of European History has been towards a minimization of the importance of Justice owing to the increased importance attached to the continuous quarrels

in placing everything in its proper place and giving everyone his due. Justice entails a system of rights which are threefold, *i.e.*, rights due to God, those due to the living man and those due to the dead. So far as the rights due to the living man are concerned, they consist in such duties as returning the amount of debt due, handing over things put in someone's safe custody back to the owner, giving correct and proper evidence, and doing good deeds.³⁵ The ruler is bound as much to do what is just, and justice in his case consists in keeping of promises, being merciful, and giving everyone his share according to the Laws which have been made for the country under his sway.³⁶

We all know the qualities which are deemed necessary for a judge in the modern world, but we also know fully well that in spite of the very salutary premonitions, our judges sometimes lack the integrity and freedom from outside pressure which ought to be their chief merit, and we are forced to surmise that there is something lacking in the standard set for the appointment of our judges that they should so go astray. We might compare this standard with that set by our author more than a thousand years ago, and one feels on reading what he has to say that if the standard of justice in force during the early Abbasid period was even half of that set down in the *Sulūk*, it must have been of a very high order indeed. Our author says that

- (1) the Judge should be God-fearing and at the same time should have a dignified demeanour;
- (2) he should have sound commonsense and be conversant with the best of judicial literature;
- (3) he should bear an absolutely irreproachable character;
- (4) he should not deliver judgments before he is satisfied that full proof has been laid before him nor tarry

between the ruler and the people till justice began to be influenced by the one or the other. That is why we see on the one side the scene of judges being dictated by Kings, on the other being 'protected' by Parliaments. Ibnī Abī'r-Rabī' is fully conscious of the importance of an absolutely impartial and independent judiciary.

³⁵ *Sul.*, 116.

³⁶ *Ibid.*, 117. It is clear from a number of passages in the book that the author has in his mind a system whereby the ruler does not possess the power to frame the laws but where the laws reach him ready-made. He is, therefore, not an autocrat in the present sense but his powers are limited by those super-imposed laws.

in his judgment when sufficient evidence has been produced;

- (5) he should be fearless in awarding what is right and due;
- (6) he should not accept any presents nor hear any recommendations;
- (7) he should never see any party in private;
- (8) he should rarely smile and speak little;
- (9) he should never ask any party to do him any favour;
- (10) he should take great care to protect the property of the orphans.³⁷

Revolutions.

So much for the perquisites of an efficient and lasting administration. But of course government is an institution run by human beings and as such, is liable to inefficiency and decay, leading to revolutions. The book deals with this aspect of the case and analyses the causes of internal turmoil as well as the conditions of a return to peace. He says that sedition is committed when a man turns his back on the principles which formed the basis of his loyalty to the ruler,³⁸ and this is regarded as a perversion of the thinking faculty of Man.³⁹ He quoted the supposed reply of a philosopher to the question put to him by a Persian King why internal disorders take place and how they are ended. The philosopher said that that cause of internal turmoil were threefold, namely, (i) carelessness of those who had the power coupled with the realisation of powerlessness by those who had not got it; (ii) sheer love of disturbances on the part of some of the subjects; and (iii) love of power on the part of the ambitious; (iv) courage of those who considered themselves deserving of honour; (v) expression by word of mouth of what is hidden in the recesses of the heart. The conditions under which this condition of revolt ends are: (i) when the possessor of power subdues him who wrests power from him; (ii) when the rebels give up rebellion for some reason or the other; (iii) when the ruler

³⁷ *Sul.*, 130.

³⁸ *Ibid.*, 35.

³⁹ *Ibid.*, 33. When we remember that the ruler is the best available person in the land as our author envisages him, we might ourselves come to the same conclusion.

becomes fearless and begins to disdain those at the bottom of the rebellion; (iv) when the prestige of the revolutionaries begins to wane; and (v) when the ruler manages to inculcate fear in the minds of the enemy.⁴⁰

Wealth and Empire.

As is well known most revolutions are caused by economic upheavals, and we now pass on to the question of wealth. The book before us rightly distinguishes between the reasons why man needs wealth and the need for sound state-finances, and this is in consonance with his whole outlook of viewing the ruler only as a servant of the State. He says that the reason why an individual wishes to acquire wealth for himself is the power to take peaceful possession of animal and vegetable products in order to make him comfortable in life. He wants to possess animals both for his safety and his food as well as for providing himself with their skins to keep away atmospheric extremes from him, while vegetable produce is needed for his food, clothing and for the manufacture of finished articles.⁴¹ He scores the right and a very modern point when he says that it is the field for the acquisition of these products for the individual that a ruler tries to extend the sway of his State and founds Empires. But we must remember that the need for State wealth is quite distinct from the need for individual wealth, for money is needed by the ruler not to fulfil his personal greed but rather to keep the frontiers secure against a possible enemy, to uproot the evil and increase the power of the lowly and the down-trodden, to free those imprisoned for non-payment of debts and so organize government that everything should be done to better the condition of the people.⁴² He gives some very salutary principles concerning the Budget and visually demonstrates that the only proper budget is that under which income exceeds expenditure.⁴³

⁴⁰ *Ibid.*, 177. Aristotle's analysis of the causes, course and suppression of Revolutions is far more detailed and explicit, while our author is very general in his treatment. This itself shows that he was independent in his judgment. See Aristotle: *Pol.*, ii, v, vi etc.

⁴¹ *Sul.*, 74.

⁴² *Ibid.*, 75.

⁴³ *Ibid.*, 133.

Slavery.

The last thing we would mention here is the discussion of the question of slavery. Our author says that slavery is either natural or artificial, says in rather a taunting way that there is a third kind of slavery, that of one's desires.⁴⁴ As regards natural slaves, they are men strong of physique but weak in intellect. The other kind of slaves are those who are bound to be in that station in life according to Law either for household purposes, for further acquisition of wealth or else for other duties.⁴⁵ As regards the way in which slaves should be treated, our author follows the explicit precepts of the Apostle of Islam and says that the owner should take care that he gives them sufficient leisure during the week, should deal with them kindly and should treat them as carefully as he would the limbs of his own body.⁴⁶ One need hardly mention that slaves were in those days what servants are in ours, and were as necessary for household, progress in arts and crafts and other walks of life as hired labour nowadays. While social reformers in the present time are always making proposals for the betterment of the social condition of the workers, Islam by one stroke set the noble standard of equality between the condition of the lives of the slaves and their masters, and Abi'r-Rabi' simply reflects the injunction and likens the slave to the very limbs of the master.

General conclusions.⁴⁷

On a persual of the political ideas couched in Ibni Abi'r-Rabi's work one feels the extremely ethical atmosphere prevalent in his political principles. Although there is little of pure religion pervading in his politics, there is no doubt that he is a great believer in providing an ethical basis to the ruler, his ministers and his judges. He stands midway between the purely Greek thought with its annihilation of the individual in the State, a thought which has reached us through Hegel in the form of the

⁴⁴ *Ibid.*, 119.

⁴⁵ *Ibid.*, 83, 84.

⁴⁶ With Aristotle, 'the relation between the master and the slave does not exclude kindness' (*Pol.*, vi, o), while our author says that kindness is the *sine qua non* of this relationship.

⁴⁷ We have dealt with only the most important ideas sketched in the work before us, as the compass of the paper did not allow the discussion of such topics as statecraft, ministry, classes of state-subjects and their mutual relations and a host of other matters.

German Nazism, and the purely individualist theory under which the State is only the hand-maid of the individual. No doubt Kingship is accepted without demure and there is no place for the Republic in the *Suluk*, still, as has been mentioned, the King is not necessarily a hereditary despot but the best among the people, coming very near the Platonic ideal but not so near as to be made a practical impossibility. His rule, again is not to be an irresponsible unmitigated despotism but is to be limited by two principles, by a system of Law which would be above him and the practical idealism of his own personality.

One thing is most noticeable in the work before us, and it is that there is not one word which might be taken to mean the slightest religious or racial prejudice or the exclusion of any sect from any office of State. We have before us a whole vista of religious persecution in Europe coming right up to our very day and perhaps extending to the unknown future, and here is a political scientist writing a book in the 9th century A.C., containing admonitions to the King under his express orders tacitly telling him that the good of the State lies in a sense of equality between the races and religions of the Empire. This was, of course, entirely in accordance with the principles of government actually in vogue in the Caliphate of his own day.

Lastly, as to his method, Ibni Abi'r-Rabi' does not take his stand on history at all. Apart from the solitary instance of Moses appointing his son Aaron his wazir and arguing thereby the so-called appointment of 'Alī to his wazirate by the Apostle of Islam, there is not a single argument based on any past happening. As has been mentioned before, history and politics are made mutually complementary and high officers of State are advised to study history, still the author himself ignores history and rather takes his stand on what is inherently good and ethically correct, making morality the great bedrock of a successful life and a successful statehood.

THE PROBLEM OF PARTY GOVERNMENT IN INDIA*

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(I)

The question I propose to discuss in this paper is: Whether, regard being had to the situation in India and to the complexity of its political life, government by a single party or by a coalition of parties is best suited to it? I need hardly say that I have, for the purpose of this discussion, assumed that the parliamentary system of government which has been partially introduced into this country ever since 1921, and with the working of which, apart from our theoretical knowledge thereof, we have, therefore, become somewhat familiar during these twenty years, will also be its future form of government. I have further assumed what is accepted today almost as a truism, namely, that parliamentary government is essentially party government. Thirdly, I should like to observe that I have in mind, so far as this paper is concerned, normal times and not the abnormal situation created in some of our Provinces by the virtual suspension of their Constitution under Section 93 of the Government of India Act, 1935, and by the postponement of the introduction of Part II (*i.e.*, the Federal Part) of the said Act into this country.

The question I propose to discuss is, to my mind, not merely one of academic or speculative interest, but also of vital importance to the future of this country, particularly in view of the recent challenge to the fundamentals of Indian nationalism. Indeed, the problem of Indian nationalism is closely interwoven with the problem of party government in India; and that is why the latter has to-day a special and insistent significance. The question, however, is not a matter of Indian constitutional law, but of what may not improperly be called "constitutional morality—the ethics of representative government," in the present circumstances of India.

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Some Preliminary Points.—Before, however, I actually deal with the subject of this paper, I should like to refer to some preliminary points which have not only a close bearing on it, but also in the light of which I shall discuss it.

(A) *Conditions of Good Party Government.*—The first point I shall notice in this connexion is: Party government being “the essence” and “the vital principle” of parliamentary government,¹ what are the conditions of good party government?

(i) The first condition of good party government, which will also largely ensure its successful working, is that the line of division between parties should, as Lowell has nicely observed in another connexion,² be “vertical” and not “horizontal.” “The conception of government by the whole people in any large nation” he writes,³ “is, of course, a chimera; for wherever the suffrage is wide, parties are certain to exist, and the control must really be in the hands of the party that comprises a majority, or a rough approximation to a majority, of the people. But the principle has nevertheless an important application. If the line of division is vertical, so that the party in power includes a considerable portion of each class in the community, every section of the people has a direct share in the government; but if the line is horizontal, so that the party is substantially composed of a single class, then the classes not represented in it are virtually disenfranchised so long as that party maintains its ascendancy. Instead of a true democracy, we have government by a single class, which degenerates easily into oppression. In this case, indeed, the tyranny is likely to be far worse than it would be if the ruling class were legally the sole possessor of power, because there is a lack of all sense of responsibility towards the rest of the people So long, therefore, as party lines are vertical, popular government is on a sound basis if the party lines become really horizontal, democracy is on the high road to class tyranny, which leads, as history proves, to a dictatorship.”

Another distinguished writer⁴ has observed:

¹ See Laski, *The Crisis and the Constitution*, 1932, Chap. 2, and *Parliamentary Government in England*, Chap. 2; also Dicey, *The Law of the Constitution*, 8th Ed., pp. xciii—xciv; also Ramsay Muir, *How Britain is Governed*, Chap. IV.

² See Lowell, *Governments and Parties in Continental Europe*, Vol. II, pp. 65-66.

³ Lowell, *op. cit.*, pp. 65-66.

⁴ See W. J. Shepard, *On Cabinet Government* in *Encyclopaedia of the Social Sciences*, Vol. III.

"Parties must cut across the various class, racial, occupational, confessional and geographical divisions of society. Otherwise the divisions into parties will remain static."

Political parties should, therefore, be "co-extensive with the nation" and should "draw adherents from all sections and classes within it."⁵

It follows as a corollary from the condition of good party government stated above, that "the lines of cleavage of the parties" in a country must not be social, religious, racial or, I may add, communal.⁶ Otherwise,⁷ in parliamentary form of government, the minority can never become, with all its efforts, "the majority in its turn," and will, therefore, have to submit to a permanent exclusion from political power and consequential impotence. Nor will there be any check in it "on the Ministry-in-office" through "the existence of an alternative Ministry-out-of-office, ready and able to take its place at any moment." In such circumstances, party government will "inevitably give rise to partisanship" and there is bound to be created an atmosphere of "diffused distrust and indiscriminate suspicion." And in such an atmosphere in which relations between different groups of men are so clouded by mistrust, misunderstandings will be frequent, passions will be easily enkindled and people will decide public questions, not by counting heads but by breaking them. All this is more likely to happen in a country like India in which the electoral system is based, under statutory provisions, on the principle of communal representation through communal electorates.

(ii) The second condition of good party government to which I should like to refer here is that parties should be divided, to quote President Lowell again, "upon real differences, which are important, but not fundamental. That is to say, differences between parties should be, to quote the words of Cromwell,⁸ upon the "circumstantial" or the "incidentals" of the national life, and not upon its "fundamentals." On the latter the parties should, on the whole, agree. The issues that divide them "must not involve vital matters," but should be "based upon a real difference

⁵ See Bryce, *Modern Democracies*, Vol. I, p. 138.

⁶ See Lowell, *The Government of England*, Vol. I, Chap. XXIV.

⁷ See Sidney Low, *The Governance of England*, Chap. VII.

⁸ See Marriott, *The Mechanism of the Modern State*, Vol. II, p. 447; also Laski, *The Crisis and the Constitution*, p. 45.

of opinion about the needs of the community as a whole,"⁹ or about the policies to be pursued for the purpose of satisfying those needs. For example, we may mention here such questions as Prohibition, Free Trade *Vs.* Protection, Labour legislation, Tenancy legislation, Currency legislation, legislation on Socio-religious matters, etc.

(B) *Psychology of Politics*.—My second preliminary point is that we must not ignore, in any discussion of political questions, what Professor Graham Wallace,¹⁰ has aptly called "the facts of human nature." That is to say, we must, in any such discussion, take into account how human nature actually works in politics, how our actions are often determined by our impulses and instincts rather than by our reason, and also the manner in which the crowd behaves or can be made to behave. He has warned us against exaggerating what he calls "the intellectuality of mankind." "Politics," it has been rightly said, "is only in a slight degree the product of conscious reason: it is largely a matter of subconscious processes of habit and instinct, suggestion and imitation."

Propaganda.—Nor can we ignore in this connexion the importance of propaganda which is often euphemistically described as a "campaign of education," political "education," the "work of enlightenment," etc., as a great instrument of policy today in the internal politics of a modern State as well as in international politics. After all, we must not forget that the masses in every country are, to quote the words of Rousseau,¹¹ "a blind multitude, which often knows not what it wishes because it rarely knows what is good for it." Moreover, an immense majority of the people are, as Herr Hitler,—himself a great master of propaganda,—has observed,¹² "so feminine in nature and point of view, that their thoughts and actions are governed more by feeling and sentiment than by reasoned consideration." And this sentiment, he continues, "is, however, not complicated, but very simple and consistent. It does not differentiate much, but it is either positive

⁹ See Lowell, *The Government of England*, Vol. I, Chap. XXIV.

¹⁰ See Graham Wallace, *Human Nature in Politics*, 3rd Edition.

¹¹ See Rousseau, *The Social Contract*, Tozer's edition, Book II, Chap. VI.

¹² See Hitler, *My Struggle*, The Paternoster Library, Chap. VI. Herr Hitler is also quoted as having said: "By clever persistent propaganda even Heaven can be represented to a people as hell, and even the most wretched life as paradise."—See E. H. Carr, *Propaganda in International Politics*, Oxford, p. 27.

or negative, love or hate, truth or lies, never half one and half the other, and so on."

Professional politicians fully know all these, and deliberately use the instrument of propaganda for the manipulation of popular impulse and thought, with a view to manufacturing the so-called public opinion in support of the object they have in view. I am laying stress here on this "modern instrument of power over opinion" as a well-organized, sinister propaganda has been at work for some time in this country, challenging the fundamentals of Indian nationalism and threatening the unity and integrity of our national life.

(C) *Coalition*.—My third preliminary point relates to the sense in which I have used the term Coalition in this paper. I mean by it here a "temporary combination for special ends between parties *that retain* (their) *distinctive principles*."¹³ "Three familiar types of situation," writes Professor Frederic A. Ogg,¹⁴ "are mainly responsible for coalitions: the inability of any single party, where a multi-party system exists, to form a ministry commanding a working majority in the lower house of parliament; an even balance between parties under a bi-party system, leading one of the two to ally itself with any minor group or party strong enough to keep it in power; and a national crisis necessitating the suspension of party strife and the concentration of all forces in a common direction for the common safety . . . The most famous of all coalitions, however, and one that well exemplifies the third type of situation, was that organized in England during the war emergency" (the author means here the last Great War).

Now I have in mind a coalition—I may also use the adjective "national"—government for the third type of situation as contemplated by Professor Ogg in the extract quoted above.¹⁵

¹³ See *The Concise Oxford Dictionary*. The italics are mine.

¹⁴ See his article on *Coalition* in *Encyclopaedia of the Social Sciences*, Vol. III.

¹⁵ The following remarks of Professor Laski are also very relevant here:—Coalition government "is an intelligible relation under either of two circumstances. It is intelligible during a war, when it is essential to postpone all other differences, supposing that there is agreement about the purposes of the war, to the single object of victory . . . It is intelligible, also, where . . . two parties separated by wide differences are able to unite upon a body of specific objects which they agree to be temporarily more important than those differences."—See Laski, *Parliamentary Government in England*, pp. 78-79.

Position in India.—I shall now consider the position in India in the light of what has been stated in the preceding pages. The first thing that strikes a student of Indian politics to-day is that the conditions of good party government to which I have referred before, and which to a great extent obtain in a country like England, do not, *really speaking*, exist in India at present. The line of division between our principal political parties is as yet more horizontal than vertical, and just at this moment there is a serious—let us hope temporary—difference between them even in respect of the fundamentals of our national life. It may be retorted that the Indian National Congress is an All-India body, embracing within its fold men and women belonging to different sections of the great Indian community. I do not deny it. I certainly agree that the Congress is, to quote the words¹⁶ of Gandhiji, “the oldest representative organization on the widest scale.” I also agree that it is not only the largest and the most efficiently organized political party in India, but also that it views Indian political problems from the angle of vision of a nationalist. Yet the unfortunate fact is—and no one can deplore it more than I do—that it is for the present “primarily Hindu in composition,” and that its representative character as a national organization has, perhaps of that very reason, been rightly or wrongly questioned by important sections of the Indian community. As a consequence, base motives have often been attributed to its policy and programme; and well-meant activities on its part, or on the part of others who have acted under its guidance and inspiration, have been viewed with suspicion and alarm, and even threatened with counter-measures elsewhere as well as with civil disobedience. We may regret it, but the fact is there. And we have seen before how human nature works, and can be made to work by means of propaganda, in politics.

In regard to the Moslem League, which is “undoubtedly,” to quote Gandhiji again, “the largest organization representing Moslems,”¹⁷ and which is, next to the Congress, the most efficiently organized political party in India, the fact is that it is, after all, a communal organization, and avowedly so. (I may state here that I have used the term “communal” in its ordinary sense, and not to imply anything odious.) I am leaving out of account

¹⁶ Quoted in *The Round Table*, March, 1940, p. 401.

¹⁷ See *ibid.* This statement is correct although it is true that there are several Moslem bodies in India which deny the claim of the Muslim League to represent them.—See *ibid.*

here the other parties in India which are either yet in the process of formation, or are not, so far, sufficiently organized on an All-India basis.

Now our difficulties are due to the fact that we as a people are yet not sufficiently homogeneous, but divided into classes or sections sharply separated by differences of religions, habits, customs, and traditions. We are in many respects like the Germans before their unification was brought about, partly by the force of circumstances and partly "by means of the drill-sergeant."¹⁸ We have certainly many common interests and a common political ideal, and we live in a country of geographic unity. But, unfortunately, our differences have for the time being been emphasized and even magnified—it may be for some ulterior political motives. As a result, a process of disintegration of our national life has set in, and mutual distrust has taken the place of mutual confidence. This is a stern fact which we cannot, and must not, ignore. We must be political realists, and not political aeronauts: we should not be blind to the realities of our political situation. The essentials of the English party-system do not, to my mind, at present exist in India, and we are now at the cross-roads of nationalism and communalism. We shall have to follow the right road—the road that will lead to Indian nationalism and the attainment of our political goal. And we shall have to pursue that course of political action which will more and more consolidate the forces of this nationalism, and effectively help to combat the forces of communalism,—that malignant growth in our body-politic which is fast poisoning it and eating away its vitals.

If, then, our immediate object is to foster the growth of nationalism in this country, transcending the bounds of race, religion, culture, etc., we must have that system of party government both at the Centre and in the Provinces, which will inspire in the minds of our minorities confidence in itself. And by the expression "minorities," here, I mean not merely the Muslims, the Sikhs and other considerable minority communities in India, but also, for example, the Hindus in the Provinces where they are in a minority.

Now Government by a single party may be quite good in theory, but it is not suitable to the present circumstances of India. It will in effect be, *thanks to our electoral system*, government by one particular community or another. That will mean

¹⁸ See Lowell, *Government and Parties in Continental Europe*, Vol. II, Chap. VII.

the virtual "dictatorship of communal cabinets," and this in its turn will either result in the oppression of the community or communities not in power, with its usual concomitants of corruption and mental slavery, or create, at any rate, in their minds a genuine sense of apprehension of such oppression. The inevitable consequence will be intercommunal strife, embitterment of feelings, disorder, riot and bloodshed. This is not a mere speculation or the product of a fervid imagination, but has already been, and even now is, a fact in some of our Provinces, as the result of what I consider to have been a serious error of judgment in the past on the part of the Congress. I want to avoid in this paper entanglement in current controversies, particularly in reference to an organization which has done, and is still doing, so much for India's freedom. But I cannot help remarking here incidentally—and I am making this remark after a due deliberation—that when in 1937 the Congress decided to accept office, it committed a political blunder in not offering, of its own free will, to form, in cooperation with the Moslem League, coalition governments in the six Governors' Provinces in which it then commanded a majority of votes in the local legislatures. If it is argued that the Congress had some difficulties arising from the nature of its membership, in the way of its agreeing to form such coalition governments, then my reply is that, as a well-disciplined party, it should have faced and overcome them. It had triumphed in the previous General Election; that should have been its satisfaction. It would not only have been graceful and generous now, but also highly politic, on its part to have invited the Moslem League to form coalition governments with it, on terms acceptable to both. And there was *really nothing then* either in its policy or in its programme which would stand in the way of the formation of such governments. On the other hand, the formation of coalition ministries in those six Provinces would certainly have led, sooner or later, to the formation of genuine coalition ministries in the remaining five Governors' Provinces in which the Congress Party was then in a minority in the local Legislature. If this had happened, the history of India since 1937 would perhaps have been different from what it has really been. The Congress, however, ignored concrete realities and decided to follow what was dictated to it by theory and idealism. To my mind, it betrayed by this decision a lack of insight, of true statesmanship. To this decision on its part to form single-party governments in the six Provinces where it commanded a majority of votes in the local Legislature, we, *directly or indirectly*, owe the unfortunate "day of deliverance" (December 22nd, 1939); the intensification

of communal feeling in the country; the so-called "Pakistan" scheme; the present state of uncertainty and confusion in our politics; the opportunities of which advantage has been fully taken in some provinces, of "legislating away the property" of one section of the people "and transferring it to another;" the paralysis of the executive power resulting in disorder and the loss of valuable lives and property in some others; and many other evil consequences, such as the dictation by "Third Parties," which are not ordinarily realized, but which I would rather leave unspecified here for obvious reasons.

If I have referred to the past, I have done so with a view to emphasizing the lessons to be derived from it, and also with a view to building up a better future for us. As I have already insisted, we must face facts, and with a due sense of reality adapt theory to circumstances. And "circumstances," says that great political philosopher, Edmund Burke,¹⁹ "(which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind." These are wise words. We have been passing through a crisis in the history of our country. Extraordinary situations require extraordinary remedies. So far as the immediate future is concerned, I am, in the circumstances of our country, in favour of governments being formed, both at the Centre and in the Provinces, by a coalition of the Congress and the Moslem League, with, if and where it may be found really necessary, the help and cooperation of some representatives of the Scheduled Castes (and of the Sikhs in the case of the Punjab). This will mean, in place of the present "long-range artillery duel," close and intimate personal contacts between the nominees of the Congress, the nominees of the Moslem League, and the representatives of the Scheduled Castes, in the day-to-day work of administration. And such personal contacts will gradually lead to a mutual understanding and appreciation of one another's points of view. This in its turn will give rise to a sense of mutual confidence and harmony and, ultimately, to a subjective sentiment of unity, on which foundation alone the structure of Indian nationalism can, and should, be firmly built.

The purist will raise here the theoretical objection that a coalition government will mean compromise, and that, therefore,

¹⁹ See his *Reflections on the Revolution in France*, Payne's edition, Oxford, pp. 8-9.

it will involve "erosion of principle." I agree that it will, to some extent. But we must not forget that "Parliamentary Government is," as Marriott has rightly remarked,²⁰ "in essence, a compromise." "The whole process of Cabinet government," writes another²¹ distinguished writer, "implies compromise . . . The Cabinet itself is a committee, and it comes to its conclusions in much the same way as other committees. That is, it talks around a subject until some compromise suggests itself Compromise is the first and last order of the day . . . Disraeli once said that in his Cabinet of twelve members there were seven different opinions. . . . frequently the Cabinet has to choose between rival experts." Professor Jennings makes these observations in reference to a normal Cabinet, that is to say, a single-party Cabinet. In the case of a coalition government, the principle of compromise is extended a little further: there is a little more of give-and-take in it. That is all that really happens. The difference, therefore, between a single-party government and a government by a coalition of parties, so far as the question of the sacrifice of principles is concerned, is in essence one of degree only.

Having regard, therefore, to the peculiarities of the Indian problem, I would unhesitatingly advise the sacrifice of the principle of political homogeneity of the Cabinet to the present requirements of our national necessity, and the formation of coalition governments, both at the Centre and in the Provinces, on the lines indicated before. Coalition governments will enable us to achieve "the greatest common measure of agreement" on our problems of administration by making, to quote the words of Professor Ramsay Muir, used in another connexion,²² "reasonable compromises and adjustments of view both possible and necessary." We must also bear in mind in this connexion that "a coalition" sometimes becomes, almost imperceptibly, "a unified party Government," and that "there is," as Professor Jennings²³ has shown, "a tendency for coalitions to lose their party differences." Professor Laski also has hinted at the probability of "a permanent alliance" being ultimately formed as a result of a coalition.²⁴ Indeed, a coalition is like a federal

²⁰ See Marriott, *The Mechanism of the Modern State*, Vol. II, p. 498.

²¹ See Jennings, *Cabinet Government*, pp. 202-203.

²² See Ramsay Muir, *How Britain is Governed*, 1933, pp. 147-48.

²³ See Jennings, *op. cit.*, pp. 27-28.

²⁴ See Laski, *Parliamentary Government in England*, p. 79.

union. It is so in a double sense. First, if it is argued that a coalition government is, as compared with a single-party government, a weak form of government since it is based upon a compromise, then it may be replied that a coalition sometimes makes it possible for different communities with conflicting interests, such as we have in India, to be united in one government when otherwise they could not be united at all. The bond of a coalition, like that of a federal union, may be weak, "but it may be the strongest bond which circumstances allow." Secondly, federalism, when successful, tends, as Professor Dicey has shown, to pass into nationalism.^{24a} Coalitions, too, as we have already seen, tend to lose their party differences and to become unified party governments. This means that they, too, help the growth of nationalism in a country. I am also hoping for this, and, as a matter of fact, behind my suggestion for coalitions in India there is a fond hope of gradual unification through personal contacts. Once this process of unification begins, our mutual suspicion and distrust will slowly but steadily disappear and we shall soon become a nation. Then, perhaps, new parties will emerge in our country on vertical lines, and not, as at present, on horizontal lines on the basis of religion or community.

Coalitions in England.—I wish I could deal here with the history and nature of some coalition governments formed from time to time in the country of the origin of parliamentary government—I mean, in England itself. Considerations of space, however, forbid it. Disraeli is quoted as having said that "England does not love Coalitions." I do not know. But every student of English constitutional history knows that since 1850—I need not go further back—and, in particular, during this century, England has resorted to coalitions on a number of occasions, and specially during the times of national crisis. In his book entitled *Cabinet Government* published in 1937, Professor Jennings has written²⁵: "There were coalition Governments (in England) from 1852 to 1855, from 1895 to 1905, from 1915 to 1922, and since 1931." And there is also to-day (November, 1940) a genuine coalition Government in office in England, although the

^{24a} See Dicey, *The Law of the Constitution*, 8th Edition, Introduction, p. lxxvi.

²⁵ And in a foot-note on p. 27 he remarks: "The coalition since 1931 is peculiar in that one of the parties, the Conservative Party, has had a majority over all other parties, including the minority parties represented in the Government."—See Jennings, *Cabinet Government*, p. 27n.

Conservative Party commands a majority of votes in the House of Commons. There may be some difference of opinion on the nature of the coalition government formed in England in 1931, or 1932, or in 1935. But there can be no such difference on the nature of the coalition government either now in office in England or the one formed there during the (last) Great War. I may also note here that, according to Professor Jennings, "both Mr. Gladstone and the Duke of Argyll have testified to the smoothness with which Lord Aberdeen's Cabinet of 1852—55 functioned; and that the Duke of Argyll has been quoted as having said in reference to it: "I have been a member of every Liberal Cabinet that succeeded it for twenty-nine years, and I never saw any of them which worked more smoothly or with less individual friction."²⁶

Now my point is that if England which has a homogeneous population and in which the party system early developed on proper lines, has found it necessary to have recourse to coalitions during national emergencies, then certainly there is a much stronger case for coalition governments today, or in the immediate future, in India in which the population is yet far from being homogeneous and in which parties have not yet developed on proper lines.

In conclusion, I should like to observe that I do not claim that the suggestion I have made in this paper, on the basis of a realistic view of our politics, will be a panacea for all our political or constitutional ills. What I do feel, however, is that an honest attempt should be made by our leaders to solve the Indian problem in the way I have suggested. Any such honest attempt is likely—and I cannot say anything more—to produce a very favourable reaction in the minds of our minorities, and to bring into play in our politics that reason, goodwill and commonsense which are so absent to-day. It may, indeed, help to lift our politics to a much higher plane than where they have sunk now. On the other hand, any insistence on the part of a "statutory" majority either at the Centre or in a Province to form or run a single-party government in the existing circumstances of this country, or any serious attempt on the part of any party or group to destroy the unity and integrity of the country may involve it in civil war, anarchy and red ruin—things which I should shudder even to contemplate.

²⁶ See Jennings, *op. cit.*, pp. 205-206.

Prof. Jennings, however, does not agree with this view. See Jennings, *op. cit.*, p. 394.

THE STATUS OF MINISTERS IN INDIA¹

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The status of ministers in India has formed the subject of definition in two cases decided by the High Court at Calcutta. Both the cases arose out of prosecutions for sedition under section 124-A of the Indian Penal Code which provides: "Whoever . . . brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards His Majesty or the *Government established by law* in British India, shall be punished with . . ." The word "Government" is defined by s. 17 of the Code as "the person or persons authorized by law to administer *executive* Government in any part of British India."

In the first case, *Dhirendra Nath Sen v. Emperor*,² Mr. Justice Bartley (Khundkar, J., agreeing), in acquitting the appellants, stated that there was no specific provision in the Government of India Act, 1935, vesting the ministry with executive functions; on the other hand, such functions were to be exercised by the Governor either directly or through officers subordinate to him. His Lordship thought it was difficult to maintain the position "that a ministry, chosen from the elected representatives of the people, and empowered, within prescribed limits, to dictate the policy of the executive Government, is in any real sense a body of officers subordinate to the Governor."³ On the nature of the article complained of, his Lordship said that it amounted "in essence to nothing more than a censure, expressed in exaggerated, inflated and intemperate language, on a stillborn Bill." It was not, however, in his opinion, "seditious in the sense that it brought or attempted to bring the Ministry into hatred or contempt or that it excited disaffection in any greater measure than the measure implicit in the working of a democratic constitution, apart altogether from the question

¹ A paper submitted to the Indian Political Science Conference, Third Session, Mysore, December, 1940.

² 42 C.W.N. 1150 (1938).

³ 42 C.W.N., at p. 1152.

whether it is seditious within the narrower limits imposed by the Indian Penal Code.”⁴

The other case, *Emperor v. Hemendra Prosad Ghose*,⁵ arose out of two references to the High Court under s. 432 of the Criminal Procedure Code. The questions of law on which the High Court’s opinion was asked for, were:—(1) Whether the Ministers of Bengal are subordinate officers to the Governor within the meaning of s. 49 of the Government of India Act, 1935; (2) whether the Council of Ministers should be considered as “Government established by law;” and (3) whether the Ministry of a Province should be considered as forming part of the executive Government of that Province in the sense implied by s. 17 of the Indian Penal Code.

In course of their judgement the Special Bench of the High Court, consisting of Derbyshire, C.J. & Nasim Ali and Rau, JJ., quoted ss. 49(1), 59(1), 50(1), 51(1), (4), (5) and 59(3) of the Government of India Act, 1935 (hereinafter referred to as ‘the Act’) and para. VIII of the Instrument of Instructions to the Governor, and observed:“

“There is no specific provision in the Government of India Act or in any other Statute or Act which we are aware of vesting the Ministry with executive functions. On the other hand, such functions ‘shall’ in the words of sec. 49 of the Act ‘be exercised by the Governor either directly or through officers subordinate to him.’ The use of the word ‘aid’ in sec. 50 does not, in our view, vest the ministers with any right to exercise executive authority, since such a construction would be contrary to the clear provision in sec. 49, nor can the Rules for the transaction of the business of the Government of Bengal made under sec. 59(3) of the Act override or alter, in law, the same clear provisions. Again, the Instrument of Instructions clearly contemplates the Governor exercising the powers.....‘guided by the advice of his ministers.’ The Instrument of Instructions contemplates the Governor, and not the ministers, exercising executive authority.

“The position appears to be that, unless the ministry can be held to consist of officers subordinate to the Governor within the meaning of sec. 49(1) of the Act, it cannot exercise executive functions. In our view, ministers chosen from the elected representatives of the people of the province for the purpose of carry-

⁴ 42 C.W.N., at p. 1153.

⁵ 43 C.W.N., 950 (1939).

⁶ 43 C.W.N., at p. 952.

ing into effect, if possible and within prescribed limits, their wishes, and acting as advisers to the Governor, cannot be described as 'officers subordinate' to the Governor within the meaning of sec. 49 of the Government of India Act, 1935. It follows, therefore, that although in popular language, the ministers may be referred to as 'the Government' they are not 'the Government' within the meaning of secs. 17 and 124-A of the Indian Penal Code. Whatever may happen in practice, the ministers are, in law, the Governor's advisers."

Accordingly, their Lordships answered all the three questions in the negative. In the opinion of the High Court, therefore, the ministers have no legal right to exercise executive functions—they do not form part of the executive Government. Their status is merely that of advisers to the Governor. These views are, it is submitted, erroneous. Before taking up their Lordships' arguments, it will be well to consider the position in this regard in England and in the Dominions.

In England the King is, in law, "the Supreme executive authority in the State; and all executive acts are done in his name."⁷ The Government is His Majesty's Government; the civil, military, naval and air services are His Majesty's services; and "every act of a Department of Government is the King's act."⁸ The Ministers are servants of the Crown, appointed by, and holding office during the pleasure of, the King. "The ministers of the Crown in Britain," observes Professor Keith, "no doubt are advisers of the Crown, and by constitutional convention it acts normally on their advice, in many cases matters being disposed of by the ministers without reference to the Crown, though it is the authority of the Crown which they exert.....The Cabinet is both popularly and in legal parlance the Government."⁹ Under the English law of seditious libel—upon which the Indian law of sedition is based,—"a seditious intention means an intention to bring into hatred or contempt, or to excite disaffection against the King.....or the Government and constitution of the United Kingdom, as by law established. . ."¹⁰ In England prosecutions for sedition are very rare. The point to be carefully noted

⁷ Halsbury, *Laws of England* (Hailsham edition), Vol. 6, p. 459.

⁸ Anson, *The Law and Custom of the Constitution* (1907), Vol. II, Pt. I, p. 45.

⁹ *Journal of Comparative Legislation and International Law*, Nov., 1939, p. 263.

¹⁰ Dicey, *The Law of the Constitution* (9th edition), p. 243.

here, however, is that an attack on the Ministry has been regarded as an attack on the Government as by law established.¹¹ Under the system of responsible government existing in England, therefore, Ministers who are, to use their Lordships' words, "chosen from the elected representatives of the people for the purpose of carrying into effect, if possible, their wishes, and acting as advisers" to the Crown, are in law as much as in popular parlance, regarded as constituting the Government, that is, the Executive Government.

• In the Dominions the position is the same. Thus in Canada Dominion executive authority is vested in the Crown and is *exercisable* by the Governor-General as its representative. "*To aid and advise* in the Government of Canada" there is a Council, the members of which are *chosen* and summoned by the Governor-General and are *removable* by him.¹² In Australia the executive power of the Commonwealth is vested in the King and is *exercisable* by the Governor-General as the King's representative. There is a "Federal Executive Council *to advise* the Governor-General in the government of the Commonwealth," and the members of the Council are *chosen* and summoned by the Governor-General and hold office *during his pleasure*. The Governor-General may appoint officers to administer such departments of State as the Governor-General in Council (*i.e.*, the Governor-General acting with the advice of the Executive Council) may establish. Such officers hold office during the Governor-General's pleasure. They are members of the Executive Council and are the King's Ministers of State for the Commonwealth. And no minister can hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.¹³ There are similar provisions in respect of South Africa.¹⁴

¹¹ *In Regina v. Fussell* [6 St. Tr. (N.S.) 723. (1848)], for instance, the defendant was convicted for making a seditious speech in which he said: "The Government have succeeded in convicting honest John Mitchell . . . I tell Lord John Russell that I have no sympathy with his damnable Government." Again, in *Rex v. Burdett* [1 St. Tr. (N.S.) 1. (1820)], the defendant was convicted for writing a letter (being his election address) containing strong expressions upon the conduct of the Government in dispersing a mutiny. See Thomas and Bellot, *Leading Cases in Constitutional Law*, pp. 224, 237.

¹² See *The British North America Act*, 1867, ss. 9—12.

¹³ See *Commonwealth of Australia Constitution Act*, 1900, ss. 61—64.

¹⁴ See *South Africa Act*, 1909, ss. 8, 12, 13, 14.

It will be evident that in a Dominion the executive authority is vested in the King and is exercised on his behalf by the Governor-General who is "advised" or "aided and advised" by a Council, the members of which are appointed by him and hold office during his pleasure—who are officers appointed by the Governor-General to administer the different departments of State in subordination to him. In practice, this Council or Cabinet consists of the elected representatives of the people and continues in office as long as it enjoys the confidence of the Legislature. The advice of the Cabinet is normally binding on the Governor-General. In other words, it governs the country with the assent, actual or implied, of the Governor-General. With the Governor-General as the formal head, the Ministry is, in law, the directing force in the Dominion executive.

In the light of the above, it is submitted, that Parliament has used the words "aid and advise" in s. 50(1) of the Act in a technical sense. The wording of the Act in this regard is almost identical with the wording of the Dominion Acts and is practically a reproduction of the rules of English Common Law. The position of Ministers in India, that is, their legal status, is essentially the same as that of Ministers in England and in the Dominions, however circumscribed their authority may be. *Prima facie*, therefore, the Ministry of a Province ought to be regarded as the Provincial Executive Government within the meaning of s. 17 of the I.P.C.

Coming now to the specific sections of the Act, we find that s. 49(1), on which the High Court decision is primarily based, provides: "The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him."¹⁵ S. 50(1) provides: "There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any

¹⁵ The proviso to s. 49(1): "nothing in this section shall prevent the Federal or Provincial Legislature from conferring functions upon subordinate authorities or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority," clearly means that if there is any existing Indian law giving any executive function to any officer or authority, including a minister, that function shall continue to be exercised by that officer or authority. And in future the Legislature shall have the right to confer such function upon subordinate authorities. For instance, it may pass Acts giving specific executive powers to a minister or ministers.

of them in his discretion; provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he is required so to do." Under s. 51 the Governor's ministers are chosen and summoned by him and hold office during his pleasure. And a minister cannot hold office for more than six months unless he is or becomes a member of the Legislature. The function of the Governor with respect to the choosing, summoning and the dismissal of ministers is to be exercised in his discretion.

In the exercise of his functions, therefore, except where he is required to act in his discretion, the Governor is "aided and advised" by the council of ministers. Looking at the scheme of the Act, we find that wherever it speaks of a power of the Governor it uses the word "Governor" (1) without any qualifying word, (2) with the qualifying words "in his individual judgment," or (3) with the words "in his discretion." These expressions are not defined in the Act, but are clearly explained in the Instrument of Instructions (cl. VIII): "In all matters within the scope of the executive authority of the Province, save in respect of those functions which he is required by the said Act to exercise in his discretion, our Governor shall be guided by the advice of his ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the said Act committed to him or with the proper discharge of any of the functions which he is otherwise by the said Act required to exercise in his individual judgement; in any of which cases Our Governor shall, notwithstanding his ministers' advice, act in the exercise of the powers conferred upon him in such manner as to his individual judgement seems requisite for the due discharge of the responsibilities and functions aforesaid."

In the Government of India Act the words "shall be guided by the advice of his ministers" were used [s. 52 (3)]. In view of the transference of these words from the body of the Act to the Instrument of Instructions Mr. Justice Nasim Ali, in course of the hearing of the cases, suggested that the intention was to reduce ministers from the position of executive to that of mere advisers.¹⁶ We however think that this change was made in imitation of the provision on the same subject in the Dominion constitutions. For it will be evident from some other provisions

¹⁶ See *The Amrita Bazar Patrika*, 25 May, 1939.

of the Act that there is a deliberate copying of Dominion forms and practice in many matters.¹⁷

Accepting for argument's sake the reasoning of Nasim Ali, J., how to interpret the above-mentioned expressions? Parliament has throughout the Act frequently used these words. In doing so it must be presumed to have had something very definite in mind. Clearly, the Governor's position must differ as he exercises a power (1) as Governor simply, or (2) as Governor in his individual judgement, or (3) as Governor in his discretion. Otherwise these words become meaningless. In this context the words used in s. 54 (1) are significant. "*In so far as the Governor is required to act in his discretion or to exercise his individual judgement, he shall be under the general control of the Governor-General in his discretion.*" And under s. 14 the Governor-General acting in his discretion is under the like control of the Secretary of State, who is responsible to Parliament. The implication of this is, that in respect of *other matters* the exercise of the Governor's powers is under the control of the ministers who are responsible to the Provincial Legislation. It gives the council of ministers the statutory right of Governor is an autocrat, independent alike of the Governor-General and the ministers. S. 50 (1) has a similar implication. It gives the council of ministers the statutory right of "aiding and advising" the Governor in respect of all his functions other than those exercisable in his discretion. "Advice" in the ordinary sense of the word could not have been meant. For in that case it would be unnecessary meticulously to exclude certain powers from the "advice" of ministers by making them exercisable in the Governor's discretion. The proviso "nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where he is required to do so"—seems to lead to the natural inference that in other cases the advice of ministers really means the control by ministers. The point that is sought to be made here is, that it is not possible to understand the significance of the use of the words in question unless we read them to mean that in respect of matters not specifically excepted the Governor is bound

¹⁷ *E.g.*, in the use of the Royal Commission in place of the Warrant for appointing the Governor, or in the giving of assent to Bills in the King's name instead of the Governor's own.

Cf. "It is according to precedent, and it is based upon English constitutional theory and practice." *Report of Joint Committee on Indian Constitutional Reform*, para. 67.

to be guided by the advice of his ministers. If this view is correct, then, it is submitted, there is no substantial difference between the wording of the old Act and the new. Mr. Justice Nasim Ali's point, therefore, loses force. There is nowhere in the Act any intention to reduce ministers from an executive to an advisory position.

Their Lordships have held that the ministers do not form part of the Provincial Government. The expression "Provincial Government" is not defined in the Act. But it cannot be interpreted to mean the Governor to the exclusion of the ministers. For where the Act provides that "it shall be the duty of the Advocate-General to give advice to the *Provincial Government*" [s. 55 (2)] or that "the Governor shall make rules for the more convenient transaction of the business of the Provincial Government" [s. 59 (3)], the intention is not to exclude ministers. Likewise, where similar words are used in respect of the Federal Government or where the Act provides: "It shall be the duty of the Governor-General's financial adviser to assist by his advice the Governor-General in the discharge of his special responsibility for safeguarding the financial stability and credit of the Federal Government, and *also* to give advice to the *Federal Government* upon any matter relating to finance with respect to which he *may be consulted*" [s. 15 (2)], evidently the Federal Ministry is meant.

Finally, their Lordships have held that the ministers cannot be regarded as "officers subordinate to the Governor." As they have put it, "In our view, ministers chosen from the elected representatives of the people for the purpose of carrying into effect, if possible and within prescribed limits, their wishes, and acting as advisers to the Governor cannot be described as officers subordinate to the Governor within the meaning of sec. 49 of the Government of India Act, 1935."¹⁸ This view is, in our judgment, wholly erroneous.

For, in the first place, it is no doubt true that ministers are chosen from among the elected representatives of the people and are, by convention, responsible to the Legislature whose wishes they therefore seek to carry out. Yet it is equally true that they are under no legal obligation whatsoever, to do so. In theory they are servants of the Crown, appointed by the Governor and holding office during his pleasure. The Governor's legal right of choosing and dismissing ministers, whatever the conventional rules regarding its exercise, is undisputed and unquestionable. A person

¹⁸ C.W.N.

whom the Governor appoints and dismisses in his unfettered discretion is, in law, surely his subordinate—neither his equal nor his superior. In our view, there is no incompatibility between the legal and the actual position of the ministers. In actual practice they are what their Lordships rightly describe them to be; in law they are officers subordinate to the Governor. As Prof. Keith remarks: "It must be doubted if the view [of the Calcutta High Court] is sound, or if it makes sufficient allowance for the essential fact that the Government of India Act is an effort to introduce into the Indian provinces within limits the rules of responsible government as they exist in England. Ministers [in England] are, and have always been, the humble confidential servants of the Crown; in theory they are subordinates chosen by the Crown and removable at its pleasure."¹⁹ It may be added that the same is true in the Dominions. There the ministers are servants of the Crown chosen by the Governor-General and holding office during his pleasure as officers subordinate to him.

In the second place, acceptance of the High Court's interpretation will, it is submitted, render meaningless the clear provisions of sub-sections 3 & 4 of s. 59 of the Act. Under s. 59(3), the Governor is required to make rules "for the *allocation among ministers of the business of the Provincial Government*" in so far as it is not business with respect to which the Governor is required to act in his discretion. Quite clearly, this means that the *executive business* of the Government is to be distributed among the ministers, not among secretaries or other officials. In other words, the ministers are to be given executive charge of the business of Government. They are to be made, by and under the Governor, the administrative heads of the Departments of Government. Now, if ministers are not "officers subordinate to the Governor" how can the business of the Government be so distributed among them, in view of the clear provision of s. 49(1)? Again, subsection (4) states that the Rules shall require ministers and secretaries to transmit to the Governor all such information with respect to the business of the Government as may therein be specified or otherwise required by the Governor, particularly any matter under the ministers' consideration which involves or is likely to involve any special responsibility of the Governor. Clearly, this means that in respect of matters not so excepted the ministers have full authority to take the decisions themselves and pass orders accordingly without even reference to the Governor.

¹⁹ *Journal of Comparative Legislation and International Law*, November, 1939, p. 263.

The Rules may also positively lay down that in respect of such and such matters the minister concerned can pass orders on his own authority. This too, is in conflict with s. 49(1) as interpreted by their Lordships. The two sections may be easily reconciled by including ministers within the category of "officers subordinate to the Governor." For the Governor has, then, the legal right, under section 49(1), of exercising the executive authority of the Province through his ministers as through other subordinates. Accordingly, there is no legal bar to his placing the ministers in charge of the various departments. The view here taken is fully supported by the practice of Government in the Provinces. Under the Rules of Business, ministers are passing legally valid orders in numerous cases every day. If their Lordships' view is correct, the ministers have no legal right to pass orders themselves. They can merely influence the Governor in favour of their own wishes—an interpretation which not only runs counter to the everyday practice but would also make the system of responsible government unworkable.

Besides, if ministers are mere advisers without any executive capacity and are legally incompetent to pass any orders then, it is submitted, they escape legal responsibility for all actions of Government, even though most of such actions are in reality their actions—a position which could not have been contemplated. The essential fact is that the ministers are not "irresponsible advisers" or "powers behind the throne." They exercise many of the Governor's powers on his behalf and under his authority exactly in the same manner in which ministers in England exercise the King's powers on his behalf and under his authority. The provision of s. 59(1) of the Act:—"all executive action of the Government of a Province shall be expressed to be taken in the name of the Governor"—does not bar the taking of executive actions by the ministers as it does not preclude the taking of similar actions by subordinate officials. It is a copy of the English rule of the law and simply means that formally the actions shall run in the name of the Governor.

That ministers are not, in law, mere advisers, can also be shown by contrasting their position with that of the Financial Adviser to the Governor-General (s. 15). This officer will have the primary duty of assisting the Governor-General by his advice in the discharge of his special responsibility for safeguarding the financial stability and credit of the Federal Government. While the Federal Minister of Finance will be in executive charge of the Finance Department, the Financial Adviser will be a mere adviser having no charge of any department.

Lastly, just as in England the ministers are advisers of the Crown and yet its subordinates, so also in India there is no reason why ministers should not be regarded as subordinates of the Governor even though they are his advisers as well. Indeed, there is nothing in s. 49(1) to suggest that there is any intention to exclude ministers from the category of "officers subordinate to the Governor." On the contrary, in view of what has been stated above, it seems to us that the inclusion of ministers in that category was clearly intended.

The conclusion, therefore, seems irresistible that the ministry is, in law, part of the Executive Government of the Province within the meaning of ss. 17 and 124-A of the Indian Penal Code.

In course of the hearing of the references Nasim Ali, J., asked: "If a particular ministry is included within the meaning of the word 'Government,' then it would be impossible to work any democratic form of government." The Chief Justice also remarked that if the word 'Government' was used in the popular sense it indicated the dominant party(?) and it was difficult to imagine that it was sedition to criticize the dominant party.²⁰ It is not entirely unlikely that this feeling might have, to some extent, influenced their Lordships in putting a narrow construction upon the Act.

It is a truism that democratic government means government by discussion: it means government by party. Freedom of discussion is its life-blood. It cannot work unless the party in opposition is allowed freely and fearlessly to criticize the Government and condemn its actions. Obviously, then, a rigorous application of the law of sedition, granting that our view of the law is correct, will make the functioning of democratic government well-nigh impossible. Yet, for all that, the law must be interpreted as it is. The English law of sedition is similar to the Indian law. "The legal definition of a seditious libel," says Dicey, "might easily be so used as to check a great deal of what is ordinarily considered allowable discussion, and would, if rigidly enforced, be inconsistent with prevailing forms of political agitation."²¹ In England prosecutions for seditious libel are extremely rare. The Government of the day is not oversensitive; it is not easily upset by unfriendly criticism—unjust, untrue and intemperate though it be. Inaction is also found to be expedient. For the Opposition in Parliament may make capital out of ill-considered prosecutions launched by the Govern-

²⁰ See *The A. B. Patrika*, 24 May, 1939.

²¹ Dicey, *The Law of the Constitution*, 9th edition, p. 244.

ment. • Besides, prosecution may give the accused ill-deserved popularity. There is also the check provided by the jury system. Conviction depends upon the verdict of “twelve shopkeepers.” Normally a jury is unwilling to return a verdict of “guilty” in a matter involving the much-cherished freedom of speech. • •

In India too, one may expect that ministers should become more tolerant of criticism than they have sometimes been. They should realise that the path of forbearance is also the path of wisdom. It may also be hoped that the courts would, under the changed political conditions, put the most liberal construction upon the words “brings or attempts to bring,” etc., in s. 124-A of the Penal Code. Further, if necessary, the section may be amended, perhaps by adding an explanation to the effect that criticism of the actions of ministers, except under certain circumstances, shall not amount to sedition.

UTOPIA OR REALITY*

*An examination of Professor Carr's theory of the nature
of international relations*

BY

PROF. V. K. N. MENON, M.A. (OXON.),

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The concept of Power, as is evidenced by the recent writings of thinkers like Bertrand Russel in England and Professor Merriam in the United States, is undoubtedly becoming more familiar in writings on the science of society in general and of politics in particular, though one should not forget Plato's Thrasymachus and machiavelli. In our own Conference a paper has been read on the subject which has been reprinted in our Journal. I propose to examine here a theory which has recently been propounded in which there is an application of the concept to a comparatively new sphere, that of international relations, new at least in the elaborate way of its application. I refer to the book published early this year by E. H. Carr, the Professor of International Relations at the University College of Wales, Aberystwith, entitled 'The Twenty Years Crisis, 1919—1939.'

Perhaps I should say at once that Professor Carr's purpose in the book is not directly to illustrate the workings of power in international relations, nor to be understood as if he was not aware of the influence of other factors. As the title of the book shows, it is an examination of the contemporary crisis in international affairs; and it need hardly be said that much of the discussion centers round the League of Nations. The book also contains a long chapter on morality in the international sphere, where he assigns to it a certainly important place, though indeed not in the orthodox fashion. What I said above that the book is one more illustration of the increasing currency of the idea of Power in political studies must be understood in this context.

Professor Carr's thesis is that the collapse of the League of Nations, and of international peace in general, is due to an utopian as opposed to a realist approach among political thinkers to the problems of international politics. It is conceded, indeed,

* A paper submitted to the Indian Political Science Conference, Third Session, Mysore, December, 1940.

that this is not unnatural when one considers the history of all sciences, especially the social ones, and also the early stage even today of this particular science. The utopianism consists in the wholehearted elaboration of visionary projects for the attainment of ends the thinkers have in view, projects whose simplicity and perfection give them an easy and universal appeal. But it is only when such projects fail, as they are bound to fail, that analysis and concern with hard facts commence and the subject becomes a realist science. This antithesis of utopia and reality has, however, close affinities with the well-known affinities between freewill and determinism, theory and practice, the intellectual and the bureaucrat, and the left and the right in politics; but, above all, it has closest affinity to the two opposed views of the relations of ethics and politics, one that politics must be interpreted in terms of politics, and the other that ethics must be interpreted in terms of politics.

This utopianism in the sphere of international politics is alleged to consist in the prevalence in recent theories of the subject of the ideas of nineteenth century Liberal thought in a new and illegitimate sphere,—of Rationalism, of the identity of virtue and self-interest, of the infallibility and power of public opinion, and above all of the Harmony of Interests. And the influence is through President Wilson and The United States, and on the League of Nations. These ideas have, however, failed, especially since 1931. But thinkers, instead of revising these ideas themselves, tend to attribute such failure either to human stupidity or to human cupidity. They pretend that the failure is not of the League, but of those who have worked it. The doctrine of the harmony of interests, further, has taken the form of an assumption that every nation has an identical interest in peace, an Anglo-Saxon doctrine however which has convinced others little. A realist critic of the last doctrine, according to Professor Carr, will note that theories of international morality are only the product of dominant nations or groups of nations.

But, lastly, says Professor Carr, ordinary realism in its turn is not completely satisfactory. For it excludes any moral judgment or ground of action. Pure realism can only offer a naked struggle for power. Actually in every political situation there are both the incompatible elements of morality and power,—and here is really the complexity, the fascination, and the tragedy of politics.

I now pass to an examination of this thesis. From the account I have given of this theory it will be clear that it is no crude realism, no unashamed apotheosis of power. Nor is it a

position in general which has nothing valuable to emphasise. Especially in its constant recall to facts, and power-facts, if I may call them so, it has something valuable for all students of the true nature of international relations. Nevertheless I believe that the main trend of the argument is unsatisfactory in more than one important respect.

The central part of the argument, then, is that the interests of nations are conflicting, not harmonious. And the fundamentally conflicting interests must eventuate in war. Further the theory of harmony is, on the one hand, the doctrine of a privileged class to justify its dominance and deny the claims of the have-nots, and where it is held by disinterested individuals, the result of a concern with ideals to the exclusion of hard facts.

Stated thus, the defects of the theory are not hard to see. How far is it true that the interests of nations are fundamentally conflicting? Nobody can deny conflicts. In the present war Poland wanted Danzig under the League and Germany wanted it for herself. Before the war, Czecho-Slovakia and Germany both wanted the Sudetenland. But it is equally obvious that they had some interests in common. And these had led to mutually advantageous economic arrangements between Germany on the one hand and the two other States on the other. But there are also many examples of nations at peace with one another which co-operate in a hundred different ways. All this is obvious. And Professor Carr will admit them. But it only shows how easy it is to be carried away by a theory. The thesis is, of course, only an application in the international sphere of the Marxian theory of the class-struggle in the national sphere, and suffers from the same defects of exclusive emphasis on a set of facts which indeed may have been under-emphasised earlier. Biology and psychology show us that co-operative action is as natural to individuals as aggressive action, and this is generally recognised. But in some places it has yet to be recognised to the same extent in the group sphere. If, now, the interests of nations are not solely those of conflict, the League of Nations, organising nations for co-operation, was not fundamentally utopian. And it is true, leaving aside the fact that the authors of the institution, as a matter of fact, did realise the conflicts of national interests, actually it was to resolve these peacefully, that it was created.

Secondly, should these conflicting interests inevitably eventuate in war? Here again the position taken up by Professor Carr is curiously the same as that of the Marxians, though on a different level. They hold that the class-conflict can end only

in a physical-force conflict. In an excellent study of socialism Mr. Durbin has recently shown that while the interests of classes do conflict, compromise arrangements are possible and have frequently happened in history. It can easily be shown that the same applies in the international sphere as well. The peaceful separation of Norway and Sweden is perhaps the most striking historical illustration of this, but many treaties concluded in times of peace also illustrate the same.

This shows also that there is something crude, superficial and static in Professor Carr's conception of interests. Men indeed attempt to promote their interests as a rule, but as Mr. Lippmann has pointed out, the interests may be conceived differently at different times, and also narrowly or widely. So while a narrow conception of interests may dictate war, a wide conception of the same may dictate peace. And even this is not all. There is no homogeneity about an individual's or group's interests. Each has many of them, and some mutually conflicting.

We now come to the more theoretical and psychological parts of the argument. Professor Carr argues that the doctrine of the harmony of interests is a doctrine of the Have-States to dupe the Have-not-States. It is true that it is in the interests, (at least in one sense) of the former to advocate peace. But peace has been the international policy of many other States also, e.g., Switzerland and the Scandinavian States, and if this is true the argument of Professor Carr cannot also be true. It seems to be a case of the validity of a proposition being questioned on account of its origin. Moreover to regard a writer like Norman Angell, who uses a somewhat similar argument to prove the superiority of pacific methods as an unconscious tool of imperialism is surely ridiculous. But this is not all. The doctrine of the harmony of interests surely does not on any interpretation say what it literally means. No one ever said or could have said that the interests of different nations do not conflict. It only means that conflicting interests are better resolved by pacific means than by war-like ones. And if this is not always true, it is always not untrue either.

Lastly, as I said, Professor Carr's argument is also that the difference between the utopian and the realist is, that the former thinks in terms of ends. Here again it seems to be a superficial psychological analysis which is the cause of error. As Mr. Leonard Woolf has pointed out (in *The War for Peace*), even the most realist of statesmen have ends, even if they do not consciously formulate them. The real distinction, as he adds, between those who pay regard to morality in the popular sense

and those who do not in their pursuit of ends is between those who think that the end justifies the means and those who don't. Bismarckian realism is really an attitude towards the use of means in politics.

One cannot but agree that in much that is now written and thought on international politics there is much sad irrelevance to facts. But as to what these facts consist in, it is impossible to agree whole-heartedly with Professor Carr. The science of international politics will exclude much that is included in it now. But it will also include much that he will exclude from it.

REVIEWS

THE PORTUGUESE AND PRESTER JOHN OF ABYSSINIA, by Diogo Jose Pereira Andrade. (Tipografia Rangel, Bastora, 1940).

In this learned monograph of 40 pages plus documents, Mr. Pereira Andrade has sought to solve the legend of Prester John of the Middle Ages by identifying him with the Negus of Abyssinia—'a powerful Christian monarch and the sovereign of a mighty empire, combining in himself the character of a patriarch, priest and king'; with this Prester John, Mr. Andrade argues, diplomatic and trade relations were first established, from amongst European princes, by the Portuguese king Manuel I in 1520.

Among the reasons that led to the Portuguese desire to get into touch with this legendary Christian potentate were the inveterate hostility of Portugal against the Moors and the fiery zeal of the Portuguese to spread the Gospel. Details of information regarding his identity were collected by Dom Pedro during his travels in Eastern Europe from Arab and Italian mariners and given by him to his brother, Prince Henry the Navigator, in whose mind the desire to meet the Prester became 'one of the chief reasons for Portuguese navigations.' Mr. Andrade has explained most graphically and with great wealth of references, how the spirit of enterprise fostered by Prince Henry flourished under his successors, Alfonso V and Dom Joao II, under whom besides the usual maritime activity two accomplished travellers, Paiva and Cavilha, were dispatched overland to gather the news of the Prester's nebulous empire, how the attempts were carried on under King Manuel I and how in 1508 his emissaries succeeded in penetrating into Abyssinia and establishing cordial relations resulting in a mutual exchange of embassies and finally the conclusion of a defensive and offensive alliance between Portugal and Prester John, which proved fruitful in the ultimate defeat of the Moors.

Mr. Andrade insists that the exploits connected with these events mark a very great achievement of the Portuguese. That is quite indisputable. "It is said in truth that no nation performed so great deeds as Portugal in comparison with its surface and population." May we just add that in keeping with the remarkable achievement of his country is the achievement of the author, for he has added a highly interesting and scholarly contribution to the extensive bibliography on the fascinating subject of Prester John?

BOOL CHAND.

ITALIAN ECONOMY AND CULTURE, by M. M. Moulik, D.Sc., Chuckervetty, Chatterjee & Co., Ltd., Calcutta, 1940. Price Rs. 3. Pages 186.

One of the worst things about war is the way it distorts our thinking about other peoples. It is not everyone, for example, who can discriminate between the German Nation and Nazism. Mr. Moulik's book makes us think a little more carefully, and even sympathetically, about the Italian people. It convicts us of our ignorance concerning Italian culture and makes us wish that Italian writers were better known in India. It provokes us into thinking about Italy's future in the world of to-morrow.

The book provides a useful commentary on Fascism. It helps us to understand something of the psychology of Fascism in a historical prospective through a review of the Romantic Movement in Italian Literature. Mr. Moulik traces its evolutionary thought in the writings of Alfieri and Manzoni during the Risorgimento, Croce and Carducci after the unification of Italy, right down to D'Annunzio, the prophet of modern Fascism. The intense nationalism associated with Italian Romanticism makes it easier to analyse the aggressive ideology of Italy to-day.

The author, who was at an Italian University from 1934—38, succeeds in giving us living pictures of several Italian writers through his interviews with them. There is an interesting record of a conversation with Luigi Pirandello on the meaning of art. And his meeting with Deledda's son is a charming little incident. In his account of Italian folk-dancing we catch a glimpse of the peasantry. His description of the fountains of Rome captures for us something of the beauty of the Eternal city.

When Mr. Moulik tackles aspects of Italian economy he is not so convincing. To take a stray example, when he extols the consortia of landowners are we to believe him or the brilliant satire of Ignazio Silona in "Fontamarro"? He seems better acquainted with figures than with facts and his accounts lack first hand knowledge. Mr. Moulik has spoilt his book by sandwiching two chapters on Italian economy among its interesting pages. It is to be hoped he will write a more comprehensive work on Italian culture which will be less sketchy in its treatment, better arranged, and free from the taint of propaganda in its informativeness.

University of Madras.

E. ASIRVATHAM.

THE LIFE AND GROWTH OF THE BRITISH EMPIRE, by J. A. Williamson. Published by the Oxford University Press, 1940. Price 3d. net.

It is a pamphlet, twenty-ninth in series, of the Oxford Pamphlets on World Affairs.

The pamphlet is essentially historical; it is non-technical, and written as it is in an easy style, it can be of benefit to the lay reader for whom primarily it is intended.

Like most of the 'Oxford Pamphlets,' it is a neat little piece of work, well-arranged, well-written and well-produced.

The author, Dr. J. A. Williamson, who is a well-known authority on Imperial History, gives a very brief description of the manner in which the various parts of the Empire were acquired and have developed.

In the first part, entitled 'Foundation,' the author tries to show that early in the nineteenth century, England was out for commercial enterprise and trade development rather than territorial occupation. In fact, he emphasizes that the British policy was very much against conquering new lands. "British Statesmen were quite honest in expressing dislike of acquiring new settlement colonies."

But then he admits that from England, Scotland and Ireland, the emigrants, went forth, although not as 'military conquerors' but as men seeking "to make their living in peace."

In the second part, dealing with 'Growth,' he outlines briefly the advance of new territories towards self-Government. Evidently they became *colonies*, before they "advanced towards self-Government."

Here his thesis is that the British went for trade, soon found disorder and lack of civilized Government in places they had gone to, had no option but to restore order and thus found themselves in charge of the entire show.

Space does not permit of detailed criticism but some revealing extracts may be cited.

Africa. Africa seemed to ambitious nations, (like France, Belgium and Germany), as "the ideal dependent continent, weak enough to be conquered, rich enough to be worth conquering." "Great Britain was not eager for expansion, but she took her moderate share (of Africa, of course) only when partition was forced by Germany."

Egypt. "Britain and France and afterwards Britain alone took control of an ill-governed country and reformed it in every aspect."

India: In India, "They (Maharattas, etc.) attacked and England had to deal with them." "It was hardly a conquest of the Indian peoples but a conquest of their conquerors" . . . !

Referring to the Congress, the author says that Britain welcomed the establishment thereof, "although hot words have often proceeded from that body . . . themselves a proof that speech is free in India" . . . !

Sudan. "The Sudan, a chaos of warring tribesmen, was conquered and civilized."

Malaya. "The British . . . had made of Malaya, formerly a region of violence and oppression, a model group of civilized tropical state."

Dr. Williamson comes to the conclusion:

"The world seemed to have reached an equilibrium in which the British position was unlikely to be assailed."

The third portion of the book deals with the last phase, "The Beginnings of Maturity," and refers to Dominion Status of the Westminster variety.

Towards the end, the author writes as follows:—

"Such is the system described recently by the Nazi leader as one in which forty-four million Englishmen own more than a quarter of the world territory—with an implication that the world cries out for justice. It is only one among falsehoods, but on a grander scale than most."

A falsehood it is, but the reviewer would like to draw the attention of the readers to the following paragraph on page 23, where the use of the word 'self-governing' is significant. Here an effort has been made to show that the different parts of the Empire have of their own free will decided to remain well-knit.

"Well before the end of the century it was quite clear that not one of the *self-governing* colonies had the slightest intention of exercising its liberty to withdraw." How about other colonies, one might question?

In conclusion it may be asserted that the pamphlet as a historical description of growth of colonies is readily acceptable, but as a justification for the British hold on colonies has practically nothing to commend it. On the whole, however, the writing is thought-provoking and can well claim a niche in the libraries of schools and colleges as also of other readers.

P. L. SANGAL.

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1. THE DUAL POLICY, by Sir Arthur Salter. No. 11.
 2. ENCIRCLEMENT, by J. L. Brierly. No. 12.
 3. THE TREATY OF BREST-LITOVSK AND GERMANY'S EASTERN POLICY, by John W. Wheeler-Bennett. No. 14.
 4. CAN GERMANY STAND THE STRAIN?, by L. P. Thompson. No. 19

OXFORD PAMPHLETS ON WORLD AFFAIRS,

Price 3d. each.

These four pamphlets concern themselves with a description of the background and the earlier stages of the present war.

Sir Arthur Salter's pamphlet on 'the Dual Policy' was published in August 1939, just on the eve of the war, and its tone is naturally conciliatory and constructive. Today, its interest is primarily historical, for it explains how after the German invasion of Bohemia and Moravia on 15th March 1939 British foreign policy changed from the mere 'appeasement' of the Dictators to one based upon twin foundations—first, the resistance to force, and then the constructive work of building peace. Sir Arthur discusses at length the way in which this new policy differed from the policy of 'appeasement' and the conditions of its success. Among these conditions, he particularly stresses the need for working out in detail and publishing in a State paper the plan of a broadly conceived and magnanimous general settlement, such as would meet the German desire for a *Lebensraum* and silence the German fear of 'encirclement' without, at the same time, appearing to yield under menace.

The declaration of war in September, 1939 made Sir Arthur's suggestions irrelevant. But what is noticeable is that at the same time when Sir Arthur Salter was pleading for an understanding attitude towards German psychology with its deep-seated desire for a *Lebensraum* and its deep fear of 'encirclement,' Professor Brierly explained in his pamphlet on 'Encirclement' with reference to pre-War history, that the fear of 'encirclement' of the Germans was a myth and had been created by the Kaiser and his chancellor, von Tirpitz, in order to overcome the resistance of the German people to the successive expansions of the German navy. Professor Brierly goes on to analyse the basis for the German outcry against the British policy of alliance with France, Poland and Turkey since 15th March 1939, and observes that far from achieving an encirclement of Germany this actually brought into existence an 'encirclement by Germany.' In this pamphlet, Professor Brierly also inquires into the German claims for *Lebensraum* and states in conclusion that such a claim cannot be justifiably made on economic grounds, for "at a time when Germany is so short of labour for her industry and her agriculture that she is importing thousands of foreign workmen from any country from which they can be drawn, she clearly cannot complain of overpopulation in the ordinary economic or demographic meaning of that term." The argument, it may be pointed out, has specious validity; but is not quite convincing on account of its limited application.

The third pamphlet 'The Treaty of Brest-Litovsk and Germany's Foreign Policy,' published in September, 1939 after the outbreak of hostilities between Great Britain and Germany and on the eve of the Russian invasion of Poland, takes on a somewhat aggressively critical tone. It explains the manner of the conclusion and the provisions of the treaties of Brest-Litovsk and of Bucharest, forced early in 1918 by Germany and her allies on the defeated Russian and Rumanian governments. These treaties were later annulled when the Allied Powers defeated Germany; but these treaties disclose "the naked and brutal

policy of annexation as practised by a victorious militaristic Germany," in comparison with which the ambitions of the Allied Powers, as enshrined in the Treaty of Versailles, seem even altruistic. Mr. Wheeler-Bennett argues that by the Russo-German alliance of 1939, also ironically concluded at Brest-Litovsk, Soviet Russia has, as it were, taken her revenge for the humiliation of 1918; for "the ultimate advantage to Germany of her new liaison may be highly questionable," while Germany's need to "keep continual watch and ward, in both military and political sphere, upon her ally" has become paramount.

Of the possible economic advantages to Germany of this alliance during the present war, Mr. L. P. Thompson gives an idea in his pamphlet 'Can Germany stand the Strain?' With the tightening of the British blockade, Germany will be cut off—he argues—from all her 'import surplus' suppliers. This will leave Germany with huge shortages of mineral oil and petrol, copper and food materials. Russia's policy is of increasing domestic consumption in all these commodities, but anyhow "in the corner of the world which remains open to Germany there simply do not exist some of the materials essential to the conduct of war and indeed to the maintenance of civil life;" so that in Mr. Thompson's view, Russia will not be able to make good any of these shortages. This judgment, it may be mentioned, is inclined to be too hasty. Perhaps Mr. Thompson himself is conscious of this fact, for he hastens to add "That does not mean that the task of the Allies is easy. Though Germany cannot sustain a long war, the Nazis have built up a machine which can, while it lasts, strike hard in an effort to break our stranglehold."

—BOUL CHAND.

PROPAGANDA IN INTERNATIONAL POLITICS, by E. H. Carr. Oxford Pamphlet on World Affairs, No. 16.

Professor Carr discusses in this admirable and highly stimulating pamphlet the origin, character and function of the new instrument of policy in international relations which concerns itself with gaining power over opinion. The importance of propaganda has increased in recent times on account of the broadening of the basis of politics, on account of the increase in the number of those whose opinion is politically significant. Organised use of this instrument was first made on a large scale during the war of 1914—1918,—indeed, "the victory of 1918 was achieved by a skilful combination of military power, economic power and propaganda," but its use in the time of peace has continued, and already propaganda seems to have become recognised as a regular instrument of national policy.

Professor Carr proceeds to inquire into the various factors that go to contribute to the effectiveness of international propa-

ganda, and he observes with great insight that 1) "propaganda is ineffective as a political force until it acquires a national home and becomes linked with military and economic power," (2) successful propaganda must have some measure of conformity with truth, and (3) propaganda becomes a powerful force in international politics only if it appeals to some universally or generally recognised values or ideologies. The truth of these conclusions is established by convincing examples.

The pamphlet ought to be read by every student of Political Science, as it lends significance to the word that is of more frequent occurrence today in newspapers, in books, in conversation, wherever international affairs are discussed, than at any earlier period in human history.

BOOL CHAND.

THE INDIAN POLITICAL SCIENCE CONFERENCE..

THE SECOND ANNUAL REPORT OF THE INDIAN POLITICAL SCIENCE ASSOCIATION FOR THE YEAR 1940

*(Presented by the Secretary to the Second Session of the
Conference at Lahore, January, 1940.)*

I have great pleasure in presenting on behalf of the Executive Committee the second annual report of the Indian Political Science Association.

A vigorous effort was made to enrol more members during the course of the year, in which valuable help was given by the President and by Dr. P. N. Bannerjee, Dr. J. N. Khosla, Dr. Bool Chand, Mr. Kogekar and others. I tender to them my grateful thanks and request them and others to continue their efforts to enrol more members, as the number, in spite of the increase of 47 over that of the last year, is still small. The total membership of the Association stands at present at 103. Out of these 7 are life-members. In the beginning of the year I had requested the signatories of the first Circular letter proposing the establishment of the Association in August, 1938 and several others to become life-members. Only seven have so far responded. May I again appeal to them and to others present here, to accept my request and enrol themselves as life-members so that the Association's permanent existence may be ensured at once?

Every effort was made during the year to keep down the expenses of the Association. From the audited statement of accounts which will be presented shortly, it will be seen that out of the total income of Rs. 1,790/8/3 Rs. 1,422/4/3 were paid to the journal. The Association expenses amount to only Rs. 136/3/9 out of which Rs. 69/4/- were paid for printing synopses of papers for the Lahore Conference and Rs. 24/4/- for printing the constitution of the Association and the application forms for membership of the Association. The balance of cash in hand is Rs. 232/-/3, which compares very favourably with the balance of Rs. 62/4/3 at the end of 1939.

The Managing Editor of the Journal will present to you separately a report on the working of the Journal during the first half of 1940. Here it is sufficient to mention that during these

six months the Journal has made a profit of Rs. 157/11/3 which has been devoted to the reduction of last year's deficit along with the Association balance of Rs. 62/4/3 of the last year.

The Executive Committee has prepared a report on the teaching of Political Science in Indian Universities which will be placed before this meeting in due course.

In conclusion I wish to express my thanks to the President and the members of the Executive Committee for their cooperation, guidance and assistance. May I also take this opportunity of expressing the deep debt of gratitude of the Association to Rajakaryapravina N. S. Suba Rao, Vice-Chancellor of the University of Mysore, for inviting the 3rd Conference to Mysore at the same time as the Indian Economic Conference and thus making it possible for members of the two Associations to attend both the Conferences? I hope the two Conferences will be able to meet in future also at the same place and at about the same time as this year. Lastly, I shall be failing in my duty if I do not thank most cordially my friend Prof. D'Souza, the Local Secretary, for making the excellent arrangements he has made for the Conference and for the trouble he took in getting the synopsis of papers printed and despatched to members before the 15th December, 1940.

GURMUKH N. SINGH,

** Secretary.*

THE THIRD INDIAN POLITICAL SCIENCE CONFERENCE MYSORE

BY

PRINCIPAL GURMUKH Nihal Singh.

I

The Third Indian Political Science Conference met at Mysore on the 28th, 29th, 30th and 31st December, 1940. About 50 delegates from the various Universities attended. Delegates from two Indian Universities—*viz.*, Agra and Aligarh—were not able to join.

The Indian Political Science Conference was opened jointly with the Indian Economics Conference on the 28th December, 1940, at 4 P.M., in the Jaganmohan Palace Hall, by his Highness the Maharaja of Mysore with a notable speech, which appears in another place in this issue. Mr. N. S. Suba Rao, the Vice-Chancellor of the Mysore University and the Chairman of the Reception Committee, then welcomed the delegates to the two Conferences in a speech which is printed elsewhere in this issue. A vote of thanks to His Highness was proposed by the Secretary of the Indian Economics Association and seconded by the Secretary of the Indian Political Science Association, after which His Highness left the meeting. Principal D. R. Gadgil then read extracts from his presidential address to the Economics Conference. He was followed by Dr. Beni Prasad, the President of the Indian Political Science Conference, who read out extracts from his address, which is printed elsewhere in this issue, and the proceedings of the first day came to an end at 6 P.M.

Discussions on papers had begun in the morning at the Maharaja's College. The morning Session on the 28th December, 1940, was devoted to papers on Political Theory with special reference to Greek and Oriental Political Thought. Dr. K. B. Krishna (Madras) summarised his paper on "Critique of Political Science" and in the discussion which followed Professors S. V. Puntambekar (Benares), S. V. Kogekar (Poona) and S. L. Poplai (Delhi) took part.

Dr. V. S. Ram (Lucknow) next summarised his joint paper with Mr. Gopinath Dhawan (Lucknow) on "Gandhiji's Political Philosophy." The following persons participated in the

discussion:—Professor C. L. Gheewala (Ahmedabad), Professor Srinivasa Iyengar (Mysore), Professor Appadorai (Madras), Professor Puntambekar (Benares), Dr. J. N. Khosla (Lahore), Professor D. N. Banerjee (Dacca) and Principal Gurmukh Nihal Singh (Ahmedabad), Dr. V. S. Ram gave a brief reply.

Professors Gheewala (Ahmedabad) and M. Yamunacharya (Mysore) then summarised their papers entitled “Was the Hindu State Pluralistic?” and “The Hindu Theory of International Relations as Expounded in Kamandaka’s Nīti Sāra” respectively. In the discussion which followed the following persons took part:—Professor D. N. Banerjee (Dacca), Professor Appadorai (Madras), Professor Puntambekar (Benares), Dr. J. N. Khosla (Lahore), Professor K. V. Punnaiah (Andhra). Professor Gheewala made a brief reply. Professor G. Hanumantha Rao’s paper “Kautilya’s Conception of Sovereignty;” Professor H. Krishna Rao’s paper “King is the Cause of Time” and Professor H. N. Raghavendrachar’s paper “The Origin of State According to Bhisma” were taken as read.

Next Professors K. R. Purna (Mysore), K. R. Srinivas Iyengar (Mysore) and C. V. Srinivas Murty (Mysore) summarised their papers entitled “Greek Religion and Political Thought,” “The Politics of Plato,” “Is Politics a Science or an Art?” and “Is Nazism Platonic?” respectively. Professors Kogekar (Poona), D. N. Banerjee (Dacca) and J. N. Khosla (Lahore) participated in the discussion to which Professor Srinivasa Iyengar replied. Mr. Ilyas Ahmad’s (Allahabad) paper “Aristotle’s Natural Theory of the Origin of the States” was taken as read.

Professor H. K. Sherwani and Mr. Abdul Qadir of the Osmania University next summarised their respective papers on “A Muslim Political Thinker of the 9th Century A.C.—Ibni Abi’r-Rabi” and “The Social and Political Ideas of Ibn Khaldun.” Professor S. V. Puntambekar (Benares) made a few observations to which Professor Sherwani (Hyderabad) replied.

II

On the 29th morning delegates attended the discussion on “Problem of Value in a Socialist State” in the Economics Conference and at 12-30 noon was held the Annual Meeting of the Association under the Chairmanship of Dr. Beni Prasad, at which the office-bearers and members of the Executive Committee were elected and other business was transacted. The Report on the Teaching of Political Science in the Indian Universities was adopted and a resolution was passed asking the Secretary “to

make a representation again to the Federal Public Service Commission, the Government of India and the Provincial Governments that in all competitive examinations Political Science be given an equal place as assigned to other subjects, such as Economics, History, Physics and Chemistry." The invitation of the University of Bombay to hold the next Conference at Bombay was thankfully accepted and the nomination of the Local Secretary was left to the Vice-Chancellor of the University of Bombay.

The Executive Committee of the Association for 1940 consists of:—

Dr. V. S. Ram (Lucknow), President; Principal G. D. Sondhi (Punjab) and Prof. H. K. Sherwani (Osmania), Vice-Presidents; Principal Gurmukh Nihal Singh (Ahmedabad), General Secretary and Treasurer; Dr. Beni Prasad (Allahabad), Managing Editor of the Journal; Prof. A. Correia Fernandes, nominated by the Vice-Chancellor, University of Bombay, Local Secretary; and Messrs Yadunath Prasad (Agra), A. Halim (Aligarh), M. Venkatarangaiya (Andhra), C. S. Srinivasachari (Annamalai), S. V. Puntambekar (Benares), R. P. Patwardhan (Bombay), B. N. Banerjee (Calcutta), D. N. Banerjee (Dacca), Bool Chand (Delhi), E. Asirvatham (Madras), H. Krishna Rao (Mysore), D. K. Garde (Nagpur), Gyan Chand (Patna), J. N. Khosla (Punjab), and C. V. Chandrasekharan (Travancore) as members.

III

The afternoon session on the 29th December, 1940, was devoted to papers on "The Constitutional Development in Indian States" the discussion on which could not be concluded by 4 P.M. and had to be continued on the morning of the 30th December. Dr. K. N. Venkatasubha Sastry (Mysore) summarised his paper on "Monarchy as the Point of Concurrence in the Constitutional Development of States like Mysore." Prof. A. Appadorai (Madras) followed with a summary of his paper "The New Constitution of Mysore." Discussion on these two papers followed in which Dr. J. N. Khosla (Punjab), Prof. D. N. Banerjee (Dacca), Dr. A. B. Rudra (Dacca), Principal G. N. Singh (Ahmedabad), Prof. Punnaiah (Andhra) and Prof. V. Krishna Rao (Mysore) took part. Prof. Appadorai and Dr. K. N. V. Sastry each gave a brief reply.

Next Dr. J. N. Khosla (Punjab) summarised his paper on "Absence of Dissolution in the Parliamentary System of the Third Republic in France," which could not be taken up on the 28th morning.

Prof. M. Venkatarangaiya (Andhra) next summarised his paper on "The Reformed Constitution of the Hyderabad State," after which Prof. N. S. Pardasani (Bombay) summarised his paper on "Dominion Status and the Constitutional Development of Indian States." Mr. F. M. K. Bhatt (Faridkot) next summarised his paper on "Reforms in Indian States." At this stage proceedings were adjourned till the next morning.

On the afternoon of the 29th December, 1940, the Reception Committee had arranged a visit to the Palace of the Maharaja, with its famous halls, and a trip to the Chumandi Hill opposite the Palace, with its magnificent temple and a small palace on the top.

The Maharaja's Palace was specially illuminated with powerful electric lights that are permanently fixed to the building and a view of it from the top of the Chumandi Hill, which was also lighted tastefully, was grand and picturesque. It was a glorious and an unforgettable sight.

On the morning of the 30th December, Principal Gurmukh Nihal Singh (Ahmedabad) summarised his paper on "Constitutional Reforms in Indian States," after which discussion on the whole subject of Constitutional Reform in Indian States took place in which the following persons participated:—

Prof. K. V. Punnaiah (Andhra); Mr. C. V. Chandrasekharan (Travancore); Prof. D. N. Banerjee (Dacca); Dr. Sastry (Mysore); Professor S. V. Puntambekar (Benares); Dr. A. B. Rudra (Dacca) and Prof. H. K. Sherwani (Hyderabad). Prof. Venkatarangaiya and Principal Gurmukh N. Singh made brief replies. The papers of Mr. Indra Datt Sharma (Lahore) and of Mr. Harman Singh entitled "Civil Liberty in the Baroda State" and "The Executive in Kashmir" respectively were taken as read.

IV

The remaining part of the morning session and the whole of the afternoon session on the 30th December, 1940, were devoted to the subject of "Party Government and Public Administration in India." Prof. D. N. Banerjee (Dacca) summarised his paper on "The Problem of Party Government in India." Prof. K. V. Punnaiah (Andhra) came next with a summary of his paper on "Party, Policy and Administration in Local Bodies." The following persons took part in the discussion which followed:—Dr. B. M. Sharma (Lucknow), Dr. P. N. Banerjee (Calcutta), Principal Gurmukh N. Singh (Ahmedabad), Prof. Kogekar (Poona), Prof. Appadorai (Madras), Prof. H. Krishna Rao

(Mysore), Prof. S. Venkata Desikachar (Mysore), Prof. H. K. Sherwani (Hyderabad), Mr. F. M. K. Bhatt (Faridkot), Mr. M. G. Lakshminarsu (Secunderabad) and Prof. A. Sen (Nagpur). Professor D. N. Banerjee made a brief reply.

Dr. V. S. Ram (Lucknow) next summarised the paper "Constituent Assemblies and India" submitted jointly by him and Mr. Gyanendra Trivedi (Lucknow). Next Prof. Venkata Desikachar (Mysore) summarised his two papers on "The Working of the System of Primary Election in India" and "Cumulative Voting and the Poona Pact." Next came Prof. Appadorai (Madras) with a summary of his paper on "Minorities and the Administration." Discussion on these papers was initiated by Prof. K. T. Shah (Bombay) and continued by Prof. M. Venkatarangaiya (Andhra), Dr. K. B. Krishna (Madras), Prof. D. N. Banerjee (Dacca), Prof. S. V. Puntambekar (Benares), Principal Gurmukh N. Singh (Ahmedabad) and Dr. A. B. Rudra (Dacca). Prof. Appadorai (Madras) and Dr. V. S. Ram (Lucknow) replied to some of the points raised in the discussion.

Next Prof. N. Srinivasan (Andhra) summarised his paper on "Some Aspects of Village Administration." A few observations were made on this paper by Dr. J. N. Khosla (Lahore) and Dr. K. N. V. Sastry (Mysore). The following papers were taken as read:—"Legislative Privileges in India" by P. N. Malhan (Lucknow); "Chamber of Princes" by Mr. R. P. Bhargava (Lucknow); "The First Legislative Assembly of the U.P." by Mr. P. N. Masaldan (Lucknow); "The Principle of Efficiency as a Determinant of Civil Expenditure" by Dr. M. H. Gopal (Mysore); "The Liberty of the Individual in War Time" by Dr. E. Asirvatham (Madras) and "A Workable Constitution for India" by Prof. M. Aziz (Aligarh).

V

On the afternoon of the 30th December, 1940, the delegates to the two Conferences were taken to the world-famous dam, the huge lake Krishnarajasagara and the beautiful and enchanting Brindavan Gardens, with the myriad fountains playing. Arrangements made for illuminating the gardens in the evening in multi-coloured, changing, electric lights were most remarkable and enhanced the charm and romance of the place. It was with great reluctance that the delegates could be persuaded to leave the gardens late in the evening to return to their dwelling places for dinner. Brindavan Gardens easily surpass the original gardens in Kashmir in their enchanting beauty and captive charm.

VI

The last session of the Conference took place on the morning of the 31st between 9-30 and 11-30. Dr. A. B. Rudra (Dacca) summarised his paper on "The Status of Ministers in India" on which Prof. D. N. Banerjee (Dacca) made a few observations to which Dr. Rudra briefly replied.

Next Mr. K. J. Jacob (Madras) gave a summary of his paper on "Corporative Democracy for India" after which Prof. S. L. Poplai (Delhi) gave a summary of his paper on "The Role of Revolution in Social Dynamics."

Next P. G. Sathyagirinathan (Mysore) summarised his paper on "The Far Eastern Question." He was followed by Prof. N. Kasturi (Mysore) with a summary of his paper on "The Monroe Doctrine." There was no discussion on these papers.

The last paper summarised was "Essentials of a World Federation" by Dr. B. M. Sharma (Lucknow) and in the discussion which followed the following persons participated:—Prof. Garde (Nagpur), Prof. Gheewala (Ahmedabad) and Prof. Yamunacharya (Mysore).

The following papers were taken as read:—

"The Opium Problem" by Mr. Salig Ram Nigam (Lucknow); "The Mandates-System: Its Origin, Nature and Working" by Mr. Sushil Chandra Sinha; "Peace and Collective Securities" by Dr. V. S. Ram and Mr. P. N. Masaldan (Lucknow) and "Utopia or Reality: An Examination of Professor Carr's Theory of the Nature of International Relations" by Prof. V. K. N. Menon (Lucknow).

The Session came to a close with a few remarks by the President, a vote of thanks proposed by him to H. H. the Maharaja of Mysore, the Vice-Chancellor of the Mysore University, the Hony. Local Secretary and the Volunteers, and a vote of thanks to the chair.

VII

At 11-30 A.M. on the 31st December, 1940, was held the first joint session of the two Conferences, the Indian Economics Conference and the Indian Political Science Conference at the Maharaja's College, Mysore. Dr. Beni Prasad, the President of the Indian Political Science Association, was proposed to the chair by Principal D. R. Gadgil, the President of the Indian Economics Association. The subject for discussion for the joint session was "A New World Order—Political and Economic." Prof. V. G. Kale (Poona) initiated the discussion after whom

Dr. V. S. Ram (Lucknow) spoke. Dr. P. J. Thomas (Madras) followed him. Next Prof. S. V. Puntambekar (Benares) spoke followed by Dr. Gyan Chand (Patna). Principal Gurmukh Nihal Singh (Ahmedabad) spoke next followed by Dr. Qureshi (Hyderabad). Prof. Kogekar (Poona) was the last speaker. The joint session came to an end at 1-30 noon after Presidential remarks by the Chairman.

In the afternoon some of the delegates attended the meeting of the Indian Economics Conference which was discussing the subject of Provincial and State Finance. A few also joined in the trip to the Mysore Zoo organised by the Reception Committee. And most of the delegates left Mysore either by the afternoon or the evening train on the 31st December, 1940.

The Reception Committee had also notified that the Local Secretary would be glad to make arrangements, if the delegates chose to visit, at their own cost, the following places:—

- (1) Somnathpur Temple, Sivasamundaram and Shimsha Electric Works.
- (2) Belur, Haleluid and Sravanabelgola.
- (3) Mandya Sugar Factory.
- (4) Bhadrawati Works and Jog Falls.

Some of the delegates were able to take advantage of this offer and to go on these trips either on the 27th December, 1940 or on January 1st, 1941, and subsequent days.

All those who attended the Mysore Conferences took away with them very pleasing memories of Mysore to meet again at Bombay for the Fourth Indian Political Science Conference, the dates of which will be announced later.

SPEECH DELIVERED BY HIS HIGHNESS THE MAHARAJA
OF MYSORE ON THE OCCASION OF THE OPENING
OF THE JOINT SESSION OF THE ALL-INDIA
ECONOMIC AND POLITICAL SCIENCE
CONFERENCE HELD IN MYSORE

28TH DECEMBER, 1940

I am very glad to be with you to-day to open this Session of the two important bodies, which are meeting in my Capital. It is a great pleasure to me to welcome to my State and Capital so many distinguished teachers of Economics and Political Science, the twin sciences a correct application of whose principles is so essential to human welfare, and I hope that the few days you will be spending in our midst will be a time of enjoyment as well as of work. I trust that you will utilise the arrangements made for you to visit, not only centres of what I may call professional interest, but also some of our beauty spots, and that you will return to your homes with pleasant recollections of your short stay with us.

The two Associations are holding their annual Sessions at the same place this year, and have decided also to have a joint Session. I need not commend to this body of experts the soundness of the decision, knowing as we all do how closely related are Economics and Political Science, and how intimate and far-reaching is the influence of economic factors upon the political life of a community and how profoundly political objectives affect, on the other hand, its economic life. Indeed we may even doubt whether, in these days of inter-penetration of political and economic objectives, any useful purpose is served by segregation of Economics from Political Science. However that may be, I trust the present Session will fully justify the expectations with which the decision to meet together has been made, and that the innovation will become a permanent feature in the coming years. I am confident that your deliberations, separate and joint, will be friendly, constructive, and helpful in solving the economic and political problems which confront our own country and the world at large.

The affairs of men are sadly and tragically in need of unimpeachable knowledge and wise guidance. A terrific struggle, resembling a zoological war for the survival of the species, is going on, and its outcome will decide whether mankind will

resume its slow march up the path of progress, or lapse into an age of science-fed barbarism, from which the values of life and the graces of European civilization will be banished. Those whom the Gods wish to destroy, it is said, they drive mad first. As one hears day after day of endless and senseless destruction of houses, churches, factories, ships, railway yards, harbours and precious human lives, one has much sympathy with Bishop Butler's startling query whether communities might not go mad like individuals.

Yet the present century began on a note of hope. The era of European wars seemed to have come to a close with the Franco-Prussian war; differences there might be between the great nations of Europe, particularly on the frontiers of their far-flung empires, but these differences never overflowed the channels of diplomacy. Viscount Haldane could suggest so late as September, 1913 that "the barbarism which once looked to conquest and the waging of successful wars as the main object of statesmanship seems as though it were passing away," and that there was "little effective challenge of the broad principle that a nation has, as regards its neighbours, duties as well as rights." Internal political progress kept pace with this improvement in international relationships. There was no serious erosion of the fundamental rights of citizenship, which were embodied in the constitutions of several European countries. Social justice was following closely in the wake of efficiency in production, as was indicated by increased taxation of the rich to finance schemes of social amelioration and security such as Labour Exchanges, Old Age Pensions, and Unemployment Insurance.

The Great War was indeed a catastrophe, but the League of Nations, which was its outcome, at least gave a form and a local habitation to the dreams and yearnings of centuries, while the sister institution, the International Labour Office, was born of the belief that universal peace could be established only if it was based upon social justice. Even the Great Depression of the early thirties served to emphasise the need for international co-operation if mankind was to realise the promise of science and achieve plenty for all. As a notable tract of the time put it, "Man can then, freed alike from enfeebling impoverishment and harassing anxieties and insecurities, use the resources he now has to give himself both a basis of secure material comfort and adequate leisure . . . And then the real work of civilisation can at last begin."

Why did the years that followed belie these hopes, and after unhappy and futile efforts to appease those whose appetites

increased with every appeasement, fling Western Europe into the witches' cauldron, which seems to be drawing into it slowly but relentlessly the rest of the world?

Some may find an answer ready to hand in the powerful play of personality, and consider themselves fortified by Acton's famous dictum that the course of 19th century history had been diverted twenty-five times by actual or attempted crime. Nor can it be denied that the course of events in the last two decades has been markedly affected by the sinister personalities of Hitler and Mussolini. But one must seek for a deeper cause and a fuller explanation of the tragic turn events took in the thirties. The sovereign national state stands forth as the one all-embracing cause of the descent of mankind from the top of golden hours to the tragic depths in which its destiny is being now fought out. The rise of nationalism and its objective embodiment in nation states and national economies no doubt marked a necessary stage in the development of human society, but even at the height of the popularity of nationalism as a cult, which was glorified almost into a religion by Mazzini, Acton sounded a note of warning against the danger of identifying a nation with the State, and prophesied that its course would be marked by material as well as moral ruin. The spirit of nationalism was wholesome as a bond, but became sinister when it placed a barrier between one human group and another. Reinforced by metaphysical theories of the absolutism of the nation state, and tainted by race prejudice, the sovereign nation state became a menace to the peace and the prosperity of the world. New nation states came into being, and national consciousness developed among peoples under a common rule, just at a time when improvements in the means of communication, progress in the technique of production, and changes in the methods and weapons of war, all combined to make national frontiers irrelevant, obstructive, and an anachronism. When the environment demanded a removal of national barriers, political and economic, in the interests of national states themselves, the spirit of national exclusiveness became deeper and more widespread. Instead of seeking security in common understanding and common organisation, the national states sought to strengthen themselves by armaments and restrictionism.

In its economic manifestations, nationalism went against the logic of facts, and the efforts to establish self-sufficiency led neither to prosperity nor to a sense of security. The wars and the fears of war on the political plane had their counterpart in tariff wars and in numerous devices and measures to get the better of the competing countries, but the common men and women

received neither abundance nor security of employment. "It has been said that they stood to lose their jobs in slumps, their liberties in fascism, and their lives in war. All the mechanical inventions of the 19th century do not seem to have lightened the drudgery of their lives." It was claimed recently that the problem of production had at last been solved for the first time in the history of man, and that in the immediate future, it should be possible "for every present need of man to be satisfied with something between one and three hours' work per day, and beyond that lie possibilities for extending the capacity for enjoyment and activity indefinitely." These possibilities could have been realised only if mankind by an act of will organised itself as a unit, and exploited the unlimited resources of the earth as a whole. Such common action was not to be thought of so long as economic nationalism raised barriers between countries and prevented the free movement of goods and labour between one country and another, such limitations being considered necessary for strategic reasons.

National egoism has been responsible for the sharp antagonisms between states which have led inevitably to conflict and war. The marvellous discoveries of recent years which gave man increased command over nature and opportunities for increased welfare have been harnessed to the service of the sovereign nation state, which meant in the main larger and more elaborate preparations for war. This misuse of the gifts of nature and science gave rise to the misgiving that man was not morally fitted to handle the new weapons that science had placed in his hands. "Each new machine being for man a new organ, his body became suddenly and prodigiously increased in size, without his soul being able at the same time to dilate to the dimensions of his new body." It should have been the task of the intellectuals to preserve a cool and unbiassed outlook in such a conjuncture and instruct the rest of the community, but unhappily they failed in their duty and were guilty of treason to their charge. Instead of instructing the minds and elevating the hearts of their fellow-citizens so that they could rise above national narrowness, they not only themselves shared the sentiment, but also exalted the sovereign nation state, and are responsible for the intellectual organisation of political hatred.

The sovereign nation state, exalted by metaphysical theories of the state, often exploiting racial prejudice, resting on economic self-sufficiency organised for strategical purposes, using the powerful weapons of modern science for destructive rather than for constructive ends, based on mass ignorance and inertia, and

supported by the intellectuals—that is the primary cause of the European tragedy.

Therefore a New World Order in which peace and security shall prevail will not follow automatically the defeat of the Axis Powers. The enemy within the gates must be defeated, and the sources of the present difficulties of Europe, a political structure which has outlived its utility, must be removed. The sovereignty of the nation state must go. The masses, like the dwarf in the story, who accompanied the giant on his adventures and paid in limb after limb for each success of his partner, are suffering and paying heavily for the crime and folly of their rulers. It is certain they will not tolerate after the war a régime that will again expose them to the evils of political conflict and economic insecurity. Unless they are assured that a new order will be established in harmony with their hopes and needs by peaceful and constitutional means, the millions who are bearing in patient hope the uncertainties and the horrors of the present war, will turn to those who make insidious promises of a short cut to Utopia through revolution.

A great responsibility lies on the architects and builders of the New Order after the war. Success in their labours will depend on the appeal the new schemes make to the reason and the feelings of men and women, on the intellectual apprehension and the emotional receptiveness with which they meet. The task of those who would build a New World from which war and poverty shall be banished is two-fold. They have to prepare plans for the New Order of things, political and economic, which can be demonstrated to be possible as well as urgent and desirable. The other part of the task is to enlist the feelings of men and women on their side, to make them willing and eager to adopt their proposals. Not only must the minds be instructed, the hearts must also be enlarged. The first is the task of economists and political philosophers. For the performance of the second, mankind must turn to the psychologists and the educationists, perhaps to the prophet and the seer, who alone can make the blind see and the deaf hear. Students of Economics and Political Science, who have to bear a large share in the task of world reconstruction, will supply instruction and enlightenment, hoping that God in His wisdom will send inspired leaders who will lead mankind from the valley of tribulation to the kingdom of peace and happiness.

however, the academical economist a more important rôle, that "he is the custodian for society of the long view in economic matters," a view which is entitled even in troubled periods to a full hearing, though not to undisputed dominance. With that we must remain content, as academical students of Economics and Political Science. But it is by no means an unimportant rôle in society to be custodians of the long view, for, in the words of J. M. Keynes, "the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite free from any intellectual influences, are usually the slaves of some defunct Economist. Soon or late, it is ideas which are dangerous for good or evil."

PRESIDENTIAL ADDRESS

BY

BENI PRASAD,

Professor of Politics, University of Allahabad.

The following is the Presidential Address delivered at the All-India Political Science Conference held at Mysore on December 28, 1940

Fellow-delegates, Ladies and Gentlemen,

Allow me to thank you with all my heart for the great honour you have done me by electing me to a chair adorned in the past by two very eminent and scholarly publicists. We are a thought-organisation seeking to stimulate reflection and research on the political aspects of the great problems that have confronted mankind since the dawn of civilisation. But we do not cultivate the science of politics as a narrow unrelated specialism. There have been many political philosophers in the East as well as in the West during the last twenty-five hundred years who have proclaimed the organic and spiritual unity of social life and the interdependence of its various departments.

Federation of the Social Sciences Conferences

It is in the spirit of this tradition that we offer cordial greetings to the simultaneous session here of the Indian Economics Conference which has a long record of achievement behind it and which counts on its roll teachers, writers and thinkers whose fame has travelled far and wide. It may be that the two Conferences have taken to-day the first step towards an Indian Federation of the Social Sciences Conferences which would bring together scholars of Anthropology, Social Psychology, Sociology, Jurisprudence, Pedagogy and History as well, enrich the deliberations of all, endow learned periodicals and research institutes and keep them all true to the synthetic principle. It is now being realised that the lines between various disciplines, physical as well as social, were too rigidly drawn and fostered a narrow outlook instead of a comprehensive perception of factors, relations and values. Science looks for order in events; through obedience to the laws of that order it seeks to control the course of events.

Like everything else that pertains to man, it stands in need of balance in the sense of its various branches being co-ordinated into a higher synthesis. The *vue d'ensemble*, a sense of the al-togetherness of things is not only one of the prime intellectual requisites but also one of the practical demands of the present age. It would facilitate the search, none too easy, into the root causes of the present distempers and their remedies; it would re-inforce the effort, long overdue in India as elsewhere, on the part of the observational disciplines which study the purposes of man as a moral being living in association with other moral beings, to assert their claims in the guidance of events. All would be shocked if any one were to talk on physics or chemistry in the crude, inexact and designing style which has long passed for argumentative skill with men of affairs and, it must be confessed, also with men of letters.

The root cause of Social Ills

Indeed, never was the need for a rational and dispassionate comprehensions of affairs so urgent as at present. At the root of the many ill's which afflict the world to-day lies a deficiency in the development of reason, a deficiency in appreciating its proper rôle and a deficiency in its application in a systematic manner to the activities of social life.

Anti-intellectualism

The inadequacy of the rational effort has been primarily responsible for anti-intellectualism through the ages. It is the governing motive in some modern schools of psychology and philosophy partly as a reaction against systems founded on an unduly narrow, exclusive and over-simplified conception of reason—as merely the principle of identity or of cold calculation—but mainly because reason did not seem competent to show the way through the labyrinths of our complex civilisation. Men have fallen back on non-rational factors like race, blood and colour as fundamentals and prime explanations in life. It is not suggested here that ethnic differences are devoid of significance—that is a matter for scientific investigation. But it is patent that concept of life and policy built on them shirk or belittle reason and, therefore, assume a very dogmatic form. Similarly, instinctivism or intuitionism finds the springs of life predominantly outside reason. Feeling or emotion is the avowed foundation of powerful creeds like Fascism.

The importance of instinct and emotion is obvious. Philosophically, the fallacy of anti-intellectualism is of the same

character as that against which it is a protest—over-simplification, compartmentalism, and over-emphasis on some aspects to the comparative exclusion of others. In practical life it is the fallacy of losing the balance and the correct perspective. It is imperative to-day to restore the balance, to give unto reason what belongs to reason.

Reason, Emotion and Judgment

The plea for reason, then, must not be interpreted to imply that reason acts independently of impulse, emotion or will. These are analytical concepts, not suggestions of compartments in human nature; they are facets, not isolated parts, of personality. If we may describe life as energy, mind is that aspect of it which orders and balances its outflow. Without treading on psychological controversy, it may be stated, as a working assumption in politics, that reason is touched by emotion. Purpose is the outcome of the interfusion of impulse with a more or less definite idea of an end,—purpose is incarnated, though imperfectly, as order, restraint and movement in normal life.—The fusion of intellect and emotion is conducive to what we call judgment. Action would be impossible without reason and impulse working together. A system of emotions may cluster round an entity—an object or a concept—and appear as a sentiment, such as nationalism, humanitarianism, etc. Volition, again, is not an independent faculty; it is the more or less unified trend of endeavour towards an end emerging out of a due subordination of impulses and desires. Will is the unification, for the time being, of various volitions. The fusion of the thinking and feeling elements is very well brought out in those judgments which are called ideals or standards and which constitute ethical judgments on activities. They are the supreme discoveries in the meaning of facts.

Reason is the great principle of development. It is necessarily present in the countless judgments required in social life. The contention, however, is that there is not enough of it and that the balance is usually over-tipped in favour of impulse and passion and that a harmony among the rational, emotional, conative and other aspects of personality is the great demand of human life and society at present. If feeling is left to conflict with thought, or if passion is allowed to run riot, there ensues a disharmony and disturbance. The interfusion of impulse and emotion with reason would produce integrated personalities, and cure some of the basic shortcomings. Take, for instance, sympathy,—the foundation of morality and religion, the cement of social union,

the bond of co-ordinated activity. The flow of sympathy to-day is hampered by barriers of colour and race, creed and caste, nation and state. Reason would go a long way to remove the hurdles and steady the flow and expansion of sympathy. Guided and strengthened by reason, sympathy would assume forms like love of humanity and effect higher types of co-ordination.

The higher the stage of evolution, the greater is the need of complex readjustments, of bridging transitions, and of organising new patterns of behaviour. Great, indeed, is the scope for reason in an environment which calls for continuous choice and decision and in which conscience or intuition, the small voice within, however we may define the term, is not an adequate guide.

Personality

Human nature is neither good nor bad; it is just plastic raw material for character. Growth consists in achievement of harmony, and balance, not by way of repression—for that only produces inner conflict—but as part of an expansive and progressive adjustment to the environment. Growth never reaches a full stop, for one has always to master afresh the art of living together. The essential principle in regulating the environment is to assist the formation of mind and character. This social accommodation implies, from another point of view, that personality is carried to a wider sweep and deeper harmony. It becomes the central point, instead of a mere accident, in social and political organisation. Culture emerges in this context not as a leisure accomplishment but as a principle permeating all work and political life. As a harmonious and synthetic expression of individualisation and socialisation, personality is achieved through education and moral effort under a favourable environment. It postulates freedom of growth—freedom that is creative and self-transcending. It implies a balance in acquisition as in other things; over-acquisition of wealth or power, for instance, may smother personality. We can scarcely set a limit to the development of personality under appropriate circumstances. A great educationist, Stanley Hall, said that man is the tadpole of what he is to be. Institutions like property and government are to be judged by their effect in promoting or hampering the development of personality on the part of all. There is nothing sacrosanct about any particular method of holding property. Private tenure, socialisation or social control can be applied to particular forms of property in accordance with the totality of the environment so as to secure an expression of the personality of all. A tangible criterion of progress is approximation to equal and maximum opportunity.

Personality requires that organisation be kept in its proper place. For instance, if the big industry trenches on personality, there may be a case for its decentralisation. If experience shows that bureaucracy stifles initiative, there may be ground for devolution. If big towns hamper the growth of personality, they may have to be broken up into smaller neighbourhood groups.

The principle of personal development postulates that government and industry be so organized as to offer an opportunity to all to exercise their pull on affairs, to share in the formulation of ends. A system which shuts able and energetic men from power creates quite as many centres of potential revolt or of sectional movements. Militarism and economic competition have so far subordinated personality to "national efficiency." International peace and economic co-operation would open new vistas of self-realisation to man.

Self-assertion

The bearing of this view on the psychology of conflict and power possesses a deep practical interest. It is more than doubtful that pugnacity or aggression is an original, underived instinct involving an inner need to fight for its sake of fight. Introspection and observation alike suggest that it is a special use of energy to overcome obstacles, to get over any thwarting. It is really a part of self-assertion, which is not a separate instinct but a function of the whole make-up of personality. Like the vital process itself, self-assertion is conditioned by the environment. In any case, its expression is directed to a social objective and is conditioned by the social environment. Self-display and self-assertion are not good or bad in themselves; the risk they carry is that of running off the balance. Intensified and conscious self-assertion, a realisation of the manifestation of one's energy, a sense of pride in the effect produced by one's energy on the environment,—that is the psychology of power. This sense of power colours all social activity; if it maintains a balance with sympathy, regard for others or altruism, in other words, a harmony with the social environment, it is genuine social achievement. If the balance is not maintained and self-regard predominates, the result is a social disturbance.

Power

Bertrand Russell observes that the concept of power is as fundamental to politics as that of energy to physics. The morality of power, whether exerted individually or in concert, is determined by the use to which it is put. Power calls for sublimation in

terms of social interest—sublimation resolves the apparent duality of egoism and altruism. The exercise of power requires, above all, to be informed by reason, for then it ceases to be destructive and becomes creative. Power is exposed to serious temptations and is liable to perversion in the hands of all who have not attained to a perfect balance of personality. Man's capacity to govern others seems strictly limited; creative government is built on the foundation of moral self-government on every one's part. Power inheres in the state but creative government relies not mainly on coercion but on those influences which foster self-control; it does not seek to impose all discipline from above; it essays to organise the environment so as to evoke discipline from within.

The situation in respect of power presents a spectacle of utter confusion and anarchy. There are innumerable centres from which power is being exerted in an unbalanced and unco-ordinated manner. Correspondingly there is a willingness to submit, which is accompanied by neuroses. For many, the sense of superiority has run amuck; they seem to be afraid of the very idea of a world without inferiors, a world of equals. It may be admitted that the hunger for recognition is primary; it is a consequence of man's social nature but in spite of high authority it may be permitted to deny that the hunger for superiority is primary; it is really an over-balance in the direction of egoism. One is on safe ground in suggesting that in an appropriate environment moral influence could replace domination and power as a psychological necessity. Beyond it we move perhaps in the region of perversions, disharmony and neuroses—certainly a lack of sublimation. This mentality hampers co-operation and prevents the willing of social ends. Thus it happens that disrupting forces are always present in society and the art of social equilibration consists in counteracting them.

Civilisation

It is the expansion of personality and the enhanced need of balance that produce Civilisation and State. Savagery is a system of few and simple wants and, therefore, of almost complete uniformity and stagnation. Barbarism is a slight increase in wants and complexity and a slight shaking of stagnation. Civilisation is a progression of social differentiation and readjustment, a growth of individual specialisation, release of new energies and potentialities. It is built on a system of ideas and habits of co-operation; in fact, our most elementary needs of food and water, shelter and security are supplied through them. Far

from being taken for granted, the foundations of civilised life are quite capable of being unsettled and of disappearing with the underlying ideas. With the loss of balance, whole peoples and classes have reacted to lower levels. Civilisation cannot progress automatically; in fact it is quite capable of degeneration and destruction. Owing to human volition as a perennial and variable factor, there is no inevitability in social evolution.

Civilisation depends on thought because of its dynamic quality. It would change its course as men acquire clear consciousness of their purposes and see the problem of conduct as a whole. Civilisation is dynamic; that is its essential quality and that is what distinguishes it from savagery and barbarism. Rapid change strains the sense of security which comes from easy conformity to established usage. As the old moorings are loosened, men must find new, it may be deeper, sources of re-integration, and set up new habits and institutions which constitute the framework of civilisation.

Civilisation multiplies interests and objectives, and the chances of deeper happiness but it is not *ipso facto* a state of happiness. It is a perpetual challenge, it posits a problem of adjustment and harmony and, failing the requisite moral response, may spell nervous disorder, a disintegration of personality. Civilisation is subject to mushroom growth and calls for scrutiny and continuous examination. One of the root causes of the present impasse is that civilisation has not devised adequate means of self-criticism and often discouraged the critical attitude. Governments, for instance, have often sought to stifle independent thought. It is the function of education to produce an attitude of thinking, and not of mere acquiescence or rejection, to foster the power of social diagnosis and social therapy. Civilisation progresses with a widening of the sphere of intelligence, an increase in the power of conceiving ends and of devising means for their attainment and of prevision as a whole.

Human Nature and the State

It is in this context that we may analyse the rôle of the state. Man is a social animal in the sense that he can live only in society. But nature alone does not fit him for a perfectly social rôle. He has to learn the art of living together with much effort and varying success. And he is not a political animal even in the sense that he can live only in the state. As a matter of fact, the *homo sapiens* has lived for the greatest part of his history on earth without any state whatever. Rudimentary co-operation and leadership suffice under savagery and barbarism.

Primitive community possesses an organic unity, a deep solidarity; it knows of division of labour, but it is almost static and can live on custom. It knows no State; it knows no law as the command of the state. It is the pressure towards civilisation with its growing, dynamic and complex differentiation and synthesis that calls for a more deliberate effort and a more conscious formulation of purpose and brings the state into existence. Men are not born fit for the state; they have to grow to educate themselves, into statehood. Even then they seem to behave as political animals only by fits and starts. Civilisation liberates new forces; it is a matter of accumulation and assimilation; it requires selection, integration and equilibration. Man has to look ahead and reflect. Individual self-consciousness is sharpened; wants and cravings press on one another; repressions and complexes are generated. In the concerted social effort, the state may be described partly as the embodiment of the common reasons, the conscience of the people. In more concrete terms it is an association thrown up by society for the direction of its purposes and the co-ordination of its multifarious activities.

The State and Law

This co-ordination implies that man should exercise a measure of control over himself—his impulses and dispositions—and over the environment. The former is an ethical problem with an important intellectual aspect; the latter is an intellectual problem, with an important ethical aspect. In proportion to intelligent control does life acquire meaning? As a co-operative venture, civilisation implies a very intricate division of labour. It is to maintain this delicate fabric of civilisation that the state comes into existence. The two rise together; they are so intimately connected that every concept of state is a concept of civilisation.

As distinct from its executive agency called Government, the state is a subjective association, an attitude of will and mind. Interpreted in the light of creative organisation, law is constraint only incidentally; it is essentially a clearance for release of energy, a liberation of wants and an opening of the way to their satisfaction. It is, along with the other agencies of social control, fundamentally constructive, a normative integration. The actual working conception of the state embodies the reason as well as the unreason, the public as well as the sectional spirit; it is often a will to maintain a union for slender advantages, for power or aggrandisement. It advances towards perfection in proportion to the movement of will and mind away from prejudices and passions towards reason and social sense,

an intelligent and disinterested conception of the common good and public service, a relationship not so much of obedience and command as of co-operation and mutual aid.

Stagnation and Revolution

It will be observed that, moral and intellectual effort alone can sustain the political attitude—the attitude of concern for the common weal. It is the inadequacy of this political effort under civilisation that has been responsible naturally for many jerks and jolts. We have lost control over events because we have not put forth an effort commensurate with the scale, the complexity and rapid reaction of events. It has meant loss of rhythm between habit and adaptation, it has prevented continuous re-adjustment and piled up abuses which provoke revolution and temporary destruction of harmony. Revolution is the logical sequence of a lack of adaptation, of an artificial blocking of socially necessary avenues of movement, of a baulked disposition. Stagnation has been in evidence at many points where new traditions, customs and institutions should have grown up. Ideas are implicit in all institutions; they are, in the sociological perspective, ways of control over activities and their reciprocal adjustment, but they have not been widened and adapted to meet the new environment. Revolution is a sudden and violent tiding over of a hiatus created by traditionalism.

The Scientific Revolution and the Break-up of the old order

The application of science to industry, to transport and communication, to entertainment and to warfare implies a rapid and progressive transformation of the environment. It opens, for the first time in history, possibilities of universal comfort. But it is also liable to break up established cultures so suddenly as to weaken interest in life to the point of utter listlessness and suicide. It calls for a vast effort of re-orientation, change from what is called habit in individual life and tradition in social life. Here is an inescapable conflict which can be resolved only through reason.

The Great Society

The dynamic quality of civilisation and all the possibilities of happiness and unhappiness have been enhanced by the scientific revolution during the last two hundred years.

As distance is annihilated, the economic, cultural and political forces weave new relationships among peoples and open out prospects of conflict and co-operation, understanding and

misunderstanding. The curtain rises over new scenes in the central drama of history—the competing claims of the wider and the narrower allegiances. It is a psychological fact of critical importance that the near interest is more emotional and the distant more intellectual. The larger the social growth, the less vivid it tends to become. It can be grasped only through ideas. The Great Society, as the supranational complex of social forces set in motion by the Industrial Revolution is designated, must either be an intellectual venture or dissolve in anarchy.

Caught up in a vast network of impersonal forces which seem to defy understanding, one may succumb to psychological maladies. The social mobility, inherent in modern economic conditions, may conduce to genuine education, freshness and discovery or one may feel lost and lonely in a big town and fall a prey to lassitude and dissipation. It depends on the success one achieves in re-orienting one's whole being. The large scale on which the Great Society lives its life implies an artificial plane: it tends to be a world of inference and secondary ideas, and raises, often in an acute form, the problem, how to hold on to the primary things, the essential moralities.

Features of Social Life

The tempo of the Great Society brings into conspicuous relief certain features which often fail to strike the eye in a less dynamic and less extensive society. It shows that social accommodation, far from being automatic, is achieved consciously, through a progressively clearer apprehension of ends. The collective will, on which it rests, evolves itself only through a reconciliation of warring ideas and purposes. The Great Society and all its associations including the State are what we make them at any particular moment. Here one can observe that society has to achieve unity, a unity of being as well as of becoming; it has to advance to a progressive integration, a creative synthesis. Harmony is not a static balance but a support which the parts extend to one another in development. Society has to win its way to conational wholeness. It has to replace accident by intention, drift by mastery. It can no longer look upon politics as an empiric art, it must find its sheet anchor in ideas and principles. It has to cultivate the habit of perpetual readjustment.

It is not implied here that it is either possible or desirable to dispense with the primary neighbourhood. As a matter of fact, it acquires a fresh value and vitality in the midst of large, impalpable associations. What the Great Society requires is that men should interknit themselves into creative wholes and weave

them all into a grand harmony. As a mental interrelation, society stops at no limits short of humanity. But impersonal organisation does not readily evoke sympathy, kindness and co-operation in the manner of the small village or kinship group. Hence, the need of diffusing education and widening the basis of our education from the small community to the great society; man has to be enabled to find his way through the environment. The simple small-scale man thrown into the large-scale complex environment is the tragic plot of the modern age.

The Genesis of War

This psychological maladjustment is one of the prime causes of international friction. It is now a truism that the modern methods of production, with less than a forty hours' week, can provide enough food, clothing, shelter and entertainment for every man, woman and child in the world. It is no longer necessary that a people should hold down others in order to keep up a high standard of life for itself. As an economic device, war is today an anachronism. It persists because of the strength of tradition and the systems of hatred, animosity and exploitation which are, in final analysis, a legacy from the erstwhile plain economy. Civilisation is still overburdened with an inheritance from feudalism—the conception of property in territories, and with an inheritance from the still older institution of slavery—the conception of property in populations. They appear as colonialism, subjection and imperialism. These survivals from older conditions are a denial of the dignity of man as man and stimulate rivalry and turn the power of the state in a direction which leads logically to war.

War in the Social Context

War is not an isolable phenomenon; immediate motives apart, it is integral to an order of things which rests on an imperfect conception of justice. It is a method of pressing claims, a way of resolving disputes, an instrument of policy, natural to a scheme of things which admits the validity of violence and is grounded, in part, in the exertion of force by group upon group. War is often the projection of an internal injustice into external affairs in an intensified form. It will disappear only when men have reasoned themselves out of the concept of property in men and in their habitats. War will not die of reaction to its own horrors; these will only evoke new precautions and new feats of organisation, endurance and heroism. War will persist and the

their lives and the rapidity with which they react to one another. It is not the formation but the character of the League that would come up for discussion. Experience suggests that international organisation, inevitable after the war, be based not on the sovereign nation state, like the first League of Nations, but on the idea of confederation, a common government for specified purposes.

It is symptomatic of the trend towards large-scale organisation inherent in modern developments that modern political doctrines—Socialism, Communism and Fascism for instance—have an international setting. Political science, as a discipline, has been prevented so far by traditionalism from moving decisively to the international plane but it is taking ever-increasing account of international affairs.

Statehood and Nationhood

Apart from a world confederation, a regional federation composed of many peoples, with divergent languages, religions and cultures, means a dissociation of Statehood from Nationhood. While the former is political and economic, the latter is cultural and spiritual. Peoples who differ from one another in their outlook on life can live together in the same federal state only on the basis of tolerance of differences, on the principle of equal opportunity of development on their own respective lines. Strategic and economic considerations now forbid insistence on homogeneity of language, religion, culture or outlook as indispensable to a state. What matters is the will, the elementary commonsense, to live in a state wide enough for economic planning and resourceful enough for defence.

Majorities and Minorities

The dissociation of statehood and nationhood would place the problem of minorities and majorities in a new light. The quest after cultural identity and assimilation would disappear; the toleration of differences would appear not so much a virtue as a bare necessity, a condition precedent to social life. Intolerance arises from persistence in the search, appropriate to small and simple communities, for perfect unity and homogeneity, solidarity and conformity. The composite state from which there is no longer an escape will put a ban on that search. Internal and external complications incidental to the erstwhile predominantly political concept of nationality would yield place to cross-fertilization and enrichment of cultures.

Peace and Security

The greater the area reclaimed from force, the greater the sense of security, the greater the scope for general confidence and aspiration. To that extent is the struggle of personality raised to the higher and ethical plane. It means that mutual aid replaces the so-called struggle for survival in national and specially in international affairs. Nations are now members of one another but the full implications of this interdependence have yet to be grasped. In proportion to the elimination of force and the admission of mutual aid, the state becomes a moral and spiritual association in its internal and external aspects. The state still continues to be the repository of power but the power ceases to be an end in itself and is consciously felt as a means of sustaining civilisation and helping it to attain higher levels.

The Moral Equivalent of War.

If mankind were ultimately to outgrow war as an instrument of policy, it would not at all diminish the opportunity of high tension of energy, endurance, discipline and sacrifice. There is scope enough for moral energy in the stupendous tasks of universalising education and comfort and a high standard of physical and moral health. And the crucial fact is that the genuine adventure of personality consists in the inward struggle to unfold its possibilities, a struggle towards knowledge, balance and universal love. There is nothing abnormal about conflict as struggle for adjustment. Progress consists in lifting it from the physical to the intellectual and moral plane. This struggle is often cut short not only by the supreme sacrifice but also by the passion and hatred which war evokes.

Ethical Dualism

A rough measure of our narrow moralities and lack of imaginative sympathy is furnished by our ethical dualism the observance or at least the recognition of one code of conduct for one's own family, sect or nation and the tacit acceptance of a different, perhaps diametrically opposite code, for outsiders. Psychologically, however, it is also an indication of the possibilities of self-transcendence and identification with a wider group. The duality will diminish in proportion to the widening of social sympathies and mental horizon and a corresponding social and political organisation.

Thinking

Limited by his own vision, experience and interests, the common man starts with an initial difficulty in comprehending the working of other minds. Every divergence adds to the difficulty until the Great Society where the whole world is his neighbour renders the attempt almost hopeless. He can rise to the occasion only if he has been trained to think. Then may be abolished the antithesis between "moral man and immoral society" which is the symbol of ethical backwardness. For thinking is teleological in its nature and has evolved as a means of re-adjustment and re-organisation in face of obstacles and distances.

Education

Social thinking has not kept pace with the growth of knowledge. Civilisation has piled up knowledge without absorbing and assimilating it. A slight over-balance is inevitable and, if tipped in the direction of progress, desirable in every phase of civilisation. But an utter loss of balance spells confusion and disintegration. If the advancement of science is not accompanied by a wide diffusion of scientific knowledge and by a corresponding advance in morality, it may break up civilisation. An unbalanced society is liable to fall under the tyranny of things; to the extent that mastery loses to drift, there is a risk of civilisation degenerating into a tragedy of children playing with fire. From the standpoint of harmony, government is, as Plato perceived, a consequence of education.

The Rôle of Education in Modern Civilisation

Social philosophy must recapture this intimate correlation of politics with education and point out that the latter is, far from being a luxury for the few, an imperative necessity for all. Besides, a little reflection on that interrelation of minds which we call society will show that education produces its best result not when it trickles down in small doses but when it is rapidly universalised. Too often, as in India, education has progressed so gradually as to expose the educated few to conquest afresh by the ignorant mass and to leave the reserves of crude prejudice practically untouched. Or the grave inequality in the distribution of education, that is, of ability, may produce a narrow oligarchy. Now that science has placed enormous means of wealth at the disposal of the community, there must be something radically wrong in will or intelligence with a government which fails to educate every child and to provide for continued and adult

education. Nothing else can actualize the potential gains of civilisation.

Emphasis on the Social Sciences

By far the most important mode of adjustment to the complex modern civilisation, education has to put greater emphasis on the social sciences. An intelligent understanding of present-day conditions would go a long way to offset the sluggishness which often passes for conservatism. It would help to convert our modern pluralities into genuine communities. From the personal standpoint a grounding in the social sciences would go a long way to save the mind and the will from being paralysed by psychologised propaganda or the mass emotion of the crowd. By the law of its constitution, the human mind cannot rest content with negatives; it longs for positive opinions; it creates wholes—wholes which possess meaning; to deny knowledge and training to it is to leave it to the mercy of inherited dogmas, current prejudices and alluring catchwords, a prey to party demagoguery. Ignorance in motion, said Goethe, is the most terrible force in nature. An analysis of economic maladjustments suggests that they arise mainly from elements which have been understood imperfectly by those in power or by those to whom they are responsible.

Educative Organisation

Apart from schooling, all social life and organisation are implicit with education; the educational state seeks to make it as explicit as possible. That is, in ultimate analysis, one of the main justifications of democratic government. The educational state which not only diffuses education among all but is organised so as to be a powerful source of bye-education and specially political education through its elective chambers and advisory committees is the most potent means of realising political ends. Genuine creative education, whether at school or from life, is not compatible with negative and repressive government. When the Prussian Government, for instance, forbade the kindergarten of the reformer Froebel in 1851, it proclaimed that its autocracy could not harmonise with the freedom of the new education.

Opinion and Knowledge

The bearing of the educational state on public opinion and all that pertains to it is quite obvious. Democracy is sometimes defined as government by public opinion. But no government, least of all, a positive government engaging in multifarious

activities, can be altogether an affair of opinion. Opinion pertains properly to judgments of value as distinct from judgments of science, and, therefore, to that aspect of government which consists in the determination of ends. Here, too, opinion stands in need of the utmost assistance from knowledge, garnered by social scientists. But once the ends have been determined, the sphere of opinion ends, and that of knowledge begins. Knowledge, that is, expertise has to join the ends with the means, to settle how the ends shall be given effect to. Opinion may prescribe in outline *what* ought to be done; knowledge has to determine, in a precise and systematic manner, *how* it ought to be done. Beyond it public opinion has just one other function, general supervision to make sure that the ends have been carried out. As a factor in politics, the public cannot be omniscient; it must have a definite rôle and discharge it. A political organ which may deal with anything, with everything or nothing, lends itself easily to designing intrigue and manipulation; it becomes the tool of caucuses, rings and bosses.

Public Opinion and Popular Power

It is scarcely necessary to dilate on the magnitude of the rôle of public opinion, or on the importance of fitting the people for its fulfilment. The problem is how to convert the formless, dispersed, inchoate popular power—the raw material so to say—into an efficient and enlightened democracy. If the problem is not solved in a rational way, popular power may turn out to be a self-cancelling business and destroy itself. The solution lies in the diffusion of education and the permeation of social, specially economic and political organisation, with the educational principle. Secondly, opinion tends to follow social cleavages and if these turn on accidents of birth, race or religion, opinion remains sectional and never attains to the rank of Public Opinion. The approximation of opinion to the ideal of Rousseau's General Will depends largely on the approximation of society to the standards of social justice. Justice has often been described as the right ordering of human relations—an ordering which would assist every one to realise his personality. The social good involves an equilibration of all the interests of every one in the light of all the interests of every one else. Universal education, equality of opportunity, social justice, genuine public opinion, democratic government and scientific administration—all these are parts of a single political process which has yet to attain completion in any state. They imply a public life dominated not by passion but by reason,—free from passive intolerance as

well as from active fanaticism. In proportion to high mass education and social justice will popular power bring itself into form through judgment and self-control, perceive its own limitations, and integrate itself with knowledge? It is not necessary that every man should be a scientist, an expert, but it is necessary that he should understand the scientific method and confide in its worth. Politics would not then be a gamble; the plain man and the expert alike would cease to be the playthings of public life. To the art of the statesman the plain man should be able to apply the judgment that he applied to the art of the shoemaker or the tailor without himself being one or the other. *Inter alia*, they must all understand the impropriety of applying national solutions to international problems. No form of government can endure in the modern age which is not built on an intelligent collaboration between the citizen's sense of values and the expert's choice of means. It is scarcely necessary to add that political leadership takes the colour from the character of opinion. Sectional and ignorant opinion evokes narrow-minded leadership and unscrupulous propaganda.

Propaganda

The propaganda to which the world has been subjected during the last twenty-five years may rank in the history of opinion as one of the greatest outrages ever perpetrated on humanity. The dogmatism has injured the plasticity which the course of evolution has made the basis of learning. Propaganda has invaded the very homes of learning and subordinated truth and integrity to narrow passing ideologies. "Myths" have been philosophically expounded and defended on the ground, not of truth, but of suitability for mass-consumption. They sound like escapes into animism; they are lure to thoughtless acquiescence. Modern propaganda has harnessed psychology in its service and taken advantage of ignorance and semi-education. "Propaganda is not science." "The appeal must be directed to the emotions and only in a very qualified manner to so-called intelligence," writes Hitler. Propaganda has been assisted by the modern press, the cable and the radio. It has been so subtle, effective and pervasive that it has mostly neutralised the gain of the advance from force to persuasion. It falsifies history and ethnology, economics and sociology, above all, political science. The success of propaganda illustrates the craving of the human mind for ideas and the readiness, in the absence of critical education, to acquiesce in what conforms to some existing prejudice. One of the reasons for the vogue of rigid, totalitarian ideologies

is that they are ready-made shelters from the inclemencies of independent thought.

Representative Government

As a process, the state is too plastic and too dynamic for rigid formulas and admits of infinite variety in modes of organisation. The purposes which it represents embody value and justice at varying degrees. Given the requisite conditions for its operation, representative government has the merit of making revolution unnecessary, or rather of tanning and regularising revolution. The change from negative to positive government renders it very necessary to arrive at as large an agreement on ends as possible. Representative government is a contrivance for facilitating that agreement through creative discussion and compromise, more or less, in terms of social justice.

Extension of political frontiers curtails the sphere of force and seems to represent progress to that degree. But the growth in size must, as the late Professor Hobhouse pointed out, be balanced by the extension of freedom and mutual aid throughout the state before it can definitely be called progress. Otherwise, territorial agglomeration may arrest development and produce stagnation. If the 'new order' which seems to be in the air in the east and west alike turns out to be a mere extension of empire or domination, it may be found to contain within it all the seeds of retrogression and decay. It will be a contribution to world progress only if it can, through provision of liberty and mutual aid, facilitate the realisation of personality on the part of all. Democratic government, apart from its educative value, admits of justification as a means of maintaining this balance.

The Dictatorship

Government, the executive agency of the association that we designate state, has been often hampered in the discharge of its heavy responsibilities by insufficiency of knowledge, narrowness of interest, vision and experience, as well as by the hostility of some and the indifference of many of its subjects and, above all, by the insecurity and panic of actual or potential war. Representative government seeks to get over the hurdles but the venture is beset with perils. The apathy of the common man and the sabotage of the dethroned groups render it difficult to readjust the balance upset by a period of transition.

When the old world seems dead and the new powerless to be born, men lose their bearing, succumb to nervous fatigue and react in favour of a simple, despotic form of government.

Militarism, inspired by motives of aggression, revenge or legitimate defence, fosters concentration of power and, under modern conditions of warfare, totalitarian dictatorship. Economic distress, due to a temporary accentuation of age-long maladjustments, may produce a dread of social degradation and mobilise support for the status quo under ruthless leadership. Uncertainty and confusion induce an uncritical acceptance of despotic rule. Whenever it comes to a choice between security and liberty, the mass of the people prefer the former. Parties imbued with keen and impatient enthusiasm for a great and urgent programme of reform may prefer to impose their will on the "common herd" as well as on the recalcitrant opponents. A protracted revolution seeks to strengthen or save itself through an absolutist government. Last but not least, disappointment with an ill-conceived, dilatory and inefficient parliamentarism leads to faith in one-man rule.

Dictatorship has been the most striking phase of the political response to large-scale transition and dislocation during the last twenty-three years. It is by no means improbable that it may encompass other states in the immediate future. But even if it were to become universal, it is not likely to be more durable than the Greek tyrannies of the sixth or the fourth century B.C. or the modern despotisms of Oliver Cromwell and Napoleon Bonaparte. Its militancy and regimentation do not accord with the principle of growth which must sooner or later assert itself. It is likely to fade away with the bridging of the acuter phases of the transition, the appearance of a fresh adjustment on the horizon, the abeyance of war through weariness or reasoning and the improvisation of a parliamentarism grounded in a better understanding of psychological realities and administrative requirements. Attention to the last factor, indeed, may yet save many a state from an atavistic relapse into dictatorship. It raises the whole problem of social accommodation.

Organisation

Co-ordination of the complex and interlocking activities of society entails a vast network of organisation in the domains of politics, economics and culture, in order to secure the necessary concentration on purposes, division of labour, pooling of knowledge and experience and economy of effort. Organisation, however, carries its own risks—a tendency to substitute masses for individuals, and statistics for personality, to become rigid and formal and to project itself as an end rather than as a means.

Ends and Means

The dynamics of civilisation negate the idea of social purpose as a static plan, fixed once for all. Purpose grows with the growth of opportunity, develops in the course of its own fulfilment and calls for an ever-fresh equilibration. It implies an interdependence between ends and means, so close that ends seem to grow naturally out of the means. Nothing is easier in the absence of an adequate rational discrimination than to confuse means with ends. Few learn the art of life; most people finish with the means of life. It is usual in private life to confuse wealth with the happiness it is designed to serve. It is usual in politics to confuse force, organisation and institutions with the creative order, equilibration and progress to which they stand in the relation of means. Science has now transformed the conditions and the scale of their working and the magnitude of their effect but the basic traditions remain the same.

Organisation is the most delicate and difficult of all arts, being the most liable to perversion. It calls for a continuous balance between the intensive expression of part-personality and the scope for full expression, a balance between devotion to community and spontaneity of personality. Positive government raises in an acute form the problem of the inter-relation of popular thought organization and will organisation, functional association, legislatures and execution departments.

The Rôle of the Legislature

The auto-limitation of public opinion must be accompanied by a self-denying ordinance on the part of the modern legislature. During the long transition from autocracy, monarchic and oligarchic, to constitutional and popular rule, the legislature attempted a detailed formulation of policy, a vast amount of purely executive business and a minute supervision over various departments of administration. Perhaps the nature of the executive and the state of public opinion left it no alternative but the recent breakdown of parliamentary government suggests that the legislature attempted too much and attempted it in too dilatory a manner. It misjudged its powers and failed to grasp the imperative need of associating science with government and of committing administration to trained expertise. Reform of parliamentary procedure, so as to make for greater thinking and greater despatch, is one of the most urgent tasks that confront statesmanship in countries that have not yet swung to dictatorial regime. It must be tackled by every state in the light of its

own conditions and large allowance may still be necessary for transitional stages. But two generalisations suggest themselves: Firstly, government is an organic whole and has to function effectively and expeditiously and cannot afford the network of checks and balances that seemed to accord with the intellectual atmosphere dominated by Newtonian physics. Secondly, the legislature has to be not merely a will-organisation but also a thought-organisation, to take affairs in the large-scale perspective of human purposes, and to restrict itself to ends and policies.

It must be a receptacle of ideas and be surrounded by organisations which would work out projects for its consideration and which would play an advisory rôle without detracting from its responsibility and celerity of action. Already the creative element in legislation, as in administration, comes largely from beyond the regular mechanism of government. It is desirable to regularise and replenish the supply. Thus the second chamber can represent functional associations and ventilate their ideas. It may be the open of an hierarchy of functional organisations—central, provincial and local—which, besides sustaining pride in the craft and looking after the interests of their members, can assist the formulation and adaptation of plans of economic welfare. An advisory economic council can bring ministers and leaders of functional unions into touch with experts. Something like a chamber of sociologists can project social engineering in the long-range perspective. States which are subject to racial or religious bickerings may set up Boards of Referees at the centre as well as in the provinces, partly or entirely elected by the various denominational organisations, authorised to declare whether any legislative or executive projects violate any legitimate interests of any group and, what is more important, to offer constructive alternatives. The apparent complexity of these arrangements is hardly an argument against them; our complex civilisation requires a complex political constitution; an oversimplified machinery is a crime against it. Besides, advisory bodies, while letting in a flow of ideas, do not deprive the legislature or the executive of any part of its responsibility.

The Executive

Similarly, the modern executive calls for re-organisation in accordance with the principle of rationalisation that is permeation with boards of experts, not of mere civil servants, but of trained, scientific experts. Here we touch one of the cardinal errors of democratic government and one of the most potent causes of its eclipse during the last twenty years. It acquired

in a system of administration adapted to negative, aristocratic government of the pre-industrial era. It was content to be mainly a corrective to despotism, and oligarchy. We are now realising that the determination of ends should be followed by the selection and execution of means by experts and that the Cabinet should normally confine itself to general co-ordination. The modern executive has to comprise autonomous boards—Planning Commissions, Public Services Commissions, Investment Boards, Railway Transport, Electricity, Marketing, Agricultural, Education Boards, and others. It may be pointed out that experts are to be entrusted with departments of administration, not with the determination of ends and higher policy. The requisite technique is already in evidence in medical and transit departments in several states and awaits general application. It is also feasible to extend the system of associating Advisory Councils with various departments and their branches to ensure day-to-day criticism and fresh suggestion and to educate public opinion.

Such an executive should represent the principle of reason. It is, in fact, the entire range of social regulation that has to be informed by the scientific spirit.

Government

It is obvious that highly technical administration does not lend itself to popular control. But this does not imply a wooden, red-tape bureaucracy. Administration would pre-suppose a dispassionate survey of social conditions and formulation of economic policies by boards of social scientists and their execution by scientifically trained officers. Already, progressive administration has demonstrated that the genuine rôle of the civil service is that of a learned profession. It must think out policies and reforms as a systematic whole and be able to plan on the large scale inherent in modern economics and transport. It is patent, however, that such an administration can function only when the mass of the people are enlightened enough to appreciate the value of reason and science, in place of prejudice and drift, in the management of their multitudinous services.

Conditions of Progress

Civilisation has reached a stage which requires a fresh infusion of reason into its machinery of regulation. Progress was defined by Sir Henry Maine as the movement from status to contract. But contract admits of qualitative refinement of which we can scarcely foresee the limit. Progress continues in the transfusion of the conditions of contract with the principle of the

rational good and may be held to be marked by the trend 'towards the emancipation of the psyche' and the increasing dominance of the mental aspect of life.

The world, then, stands in need of a great moral effort but it requires above all the light of reason to steady and guide that effort, lead the way to economic and political transformation and to make that way generally acceptable. There is no short cut to the goal but there rests an obligation on all who have grasped the nature of modern society and caught a vision of the world as it might be—the obligation to steer clear of irrational prejudice and re-inforce the influences that make for a correct understanding. To them the logic of history assigns the function of joining the long vision and the large purpose to the massive knowledge and resources now at the disposal of humanity. It is for them to fuse with enlightenment and humanitarian enthusiasm the inclination to mutual aid and service which, though widespread, largely cancels itself in the cause of rival sects, parties and nationalities. Applied science has brought us to a point when the subject of progress is mankind as a single community, rather than smaller groups. By necessity of mutual accommodation and adaptation, things always move in circles. It may be given to us, as through cultivation of the social sciences as inter-related disciplines on the wide international plane, to break the vicious circles at a few points, help mankind in turning the corner and inaugurate the reign of the good and the rational.

SYNOPSIS OF PAPERS SUBMITTED*

I

POLITICAL THEORY WITH SPECIAL REFERENCE TO GREEK AND ORIENTAL POLITICAL THOUGHT

1

CRITIQUE OF POLITICAL SCIENCE

BY

K. B. KRISHNA, PH.D. (HARVARD).

This paper is an examination of the current concepts of Political Science. It is the attempt to make current Political Science feel the impulse of modern science.

Various concepts like Democracy, Sovereignty, Nationalism and Public Opinion are sociologically treated.

The current notions concerning 'Values' are also discussed in terms of the sociology of Bougle and Durkheim.

The nature and form of Government and its relation to the needs of the people at a given time and place are also discussed.

This paper is a plea for a naturalistic, humanistic and critical science of Politics.

2

WAS THE HINDU STATE PLURALISTIC?

BY

C. L. GHEEWALA, M.A.,

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The characteristic feature of recent pluralistic thought, a profound distrust of the State. The problem as stated by Rousseau.

* Papers Nos. 10 from Section I, 1 and 3 from Section 2 and 5 from Section IV are being published in this number of the Journal. Some of the other papers will be published in subsequent numbers as space permits. (*Editor*)

Was the Hindu State pluralistic? Were the groups and associations in the Hindu State independent of, or co-ordinate with the State? Existence of guilds and corporations in Ancient India—trade and craft-guilds and kin-groups. Examination of the relations of the State with the guilds and corporations in the spheres of legislation and justice.

The State arises to prevent the ruthless struggle for existence (*Matsyanyaya*) and the preservation and maintenance of Dharma. Its sphere was co-extensive and co-terminus with life—Epics and Kautilya. 'The State and Society,' not 'co-existing apart from and in some degree of independence of each other;' 'nor a policy of non-interference was recognised' as an ideal policy of the state.' The 'raison d'être' of the State was Dharma. As such, it represented a unified and unifying central authority embracing the whole community and provided the necessary bases for a system of legal order.

Law not a 'command' in the sense of 'an arbitrary expression of the sovereign's selfish will or caprice.' The characteristic function of sovereignty is its 'sovereign prerogative of choice.' The State appears as an interpreter and enforcer of customary rules and regulations. The priority claimed for the State is not historical but logical. The Hindu State, a sovereign body and represented as an authoritative organ with full legal powers to limit the respective jurisdictions of the family, caste, guilds and various other associations. The State stood as the final authority to pronounce what is law and what is not, as between contending individuals, groups and interests. Legislation, though rare in the modern sense, was not beyond the purview of the State.

However, the Hindu State did not seek to crush the free initiative and spontaneous life of the guilds and corporations. They enjoyed a large measure of internal freedom. At the same time, the State enjoyed a superior authority as the upholder of Dharma. 'Indian Theory favours neither anarchy nor the unqualified pluralism of discrete and isolated groups.'

The State as an embodiment of the sovereign principle of Dharma became 'an association of associations' and as such, sought to promote Dharma by adjusting, reconciling and synthesising the conflicting claims and obligations of various groups and associations. Thus, the Hindu State was not Pluralistic. Only a monistic theory of sovereignty can explain the true nature and significance of the Hindu State and that 'a pluralistic' approach would fail to grasp the Indian Phenomenon.

A true state must gather up and synthesise every interest within itself. Value of pluralist criticism.

3

KAUTILYA'S CONCEPTION OF SOVEREIGNTY

BY

G. HANUMANTHA RAO, M.A.,

Mysore University.

After briefly sketching the conceptions of sovereignty of Austin, Rousseau and T. H. Green as standards of reference, an attempt is made in this paper to delineate the chief characteristics and elements of sovereignty as set forth by Kautilya and to evaluate them comparatively.

1. Sovereignty, for Austin, lies in the power that a determinate person or body of persons has, to put compulsion without limit on subjects and make them do as it pleases. Austini-ans are mistaken in that they think that sovereignty is sovereign only in so far as it has the power of compulsion; sovereignty has power just because that power is implicitly or explicitly believed to be a necessary condition for the realisation of the cherished ideals of life. For Rousseau, on the other hand, sovereignty lies in the general will of the people as expressed through the vote of the whole body of citizens. Rousseau is mistaken when he ascribes sovereignty to the general will. He can rightly say that sovereignty justifies itself only if it has the consent of the people and that the ideal of sovereignty is realised only when the people can will rationally and that will becomes, deed. But this ideal is nowhere realised. In most civilised states, the power that a determinate authority has, is rooted only in part and more or less explicitly in the will of the people. This is the view of T. H. Green.

2. Sovereignty, for Kautilya, is not, as it is for Austin merely the power for compulsion resident in a superior unrelated to social needs and values; it lives in society and for society and is obeyed by society at large since it is the condition necessary for the realisation of the fourfold ends of life. Nor is it, as Rousseau thought it was, based on the consent of the people expressed through the vote of the whole body of citizens.

Kautilya's conception agrees fundamentally with Green's in so far as the power of coercion is based on consent. For Green, this consent is best expressed through democratic institutions; according to Kautilya, on the other hand, it is best evoked through the endearing rule of the king and efficient propaganda and is ascertained through his ministers and intelligence service. Kautilya chooses to uphold the sovereignty of a monarchical state, though he is not unaware of the virtues of the sovereignty of republican and federal states and the defects of sovereignty in a monarchical state.

3. Kautilya's conception of coercive power (*danda*) as the external attribute of sovereignty is substantially in agreement with that of Green. Punishment is not an expression of revenge. *Danda* in order that it may fulfil its end must be based upon discipline and should be free from anger, greed or haughtiness. Force used blindly and indiscriminately, with anger or greed or haughtiness is repulsive to the people and will be resisted even by saintly persons, not to speak of householders. If repression leads to revolution, keeping the sceptre in abeyance or using it mildly, leads to contempt of authority and anarchy. Kautilya differs from Green in so far as he looks upon punishment not only as a preventive but as a reformative. Punishment administered with due consideration, free from greed, anger, haughtiness, etc., leads not only to peace but makes the people devoted to righteousness and to works productive of wealth and enjoyment. This difference in their views, is due to the fact that while Green is an individualist, Kautilya is a state socialist—a fascist, if one may like to call him so.

4. There are other important and interesting differences between Kautilya's conception of sovereignty and that of Green. Green's conception relates chiefly to internal sovereignty and not to sovereignty as it exists in relation to the circle of states. But Kautilya deals with both aspects of sovereignty internal as well as external, state and inter-state. Sovereignty is the centre not only of a state but the centre of a circle of states.

5. Yet in another important respect does Kautilya's conception differ from that of Green and the point of difference is definitely in favour of Kautilya. To Green sovereignty is, no doubt, a unity but he does not show it so concretely. He does not analyse sovereignty into its elements and show how the integrity of sovereignty lies in the unity of all the forces and factors of the state. Kautilya does both these things. Sovereignty must not only be focussed in a centre of authority, but

should also have its roots all over the state. Sovereignty cannot be unitary and consist of only one element. For, as Kautilya puts it: a single wheel cannot move. It should be a unity of a multiplicity of factors which are organically related. Sovereignty, according to Kautilya, consists of seven elements distributed over one's own state as well as the circle of states of which it is the centre. Though the central executive is the important element of sovereignty, it cannot exist and execute by itself. It needs the guidance of sound counsel, the loyal support and willing co-operation of the people, a rich country with natural advantages, a rich treasury, a loyal and efficient army, sound defences and reliable allies. The king, the ministers, the country and the people, the fort, the treasury, the army and the ally are the seven elements of sovereignty and the unity of these "limb-like" elements is sovereignty in its fullness. Thus sovereignty in Kautilya rises to the level of what in western logic is called a concrete universal.

6. Kautilya not only enumerates the elements of sovereignty, but also enunciate the criteria by which they can be judged to be well-fitted or ill-fitted. He sets forth in great detail what brings about the integration and the disintegration of sovereignty. He deals with both the normal and the pathological conditions of sovereignty. In this respect also, Kautilya's conception of sovereignty is fuller than that of Green.

4

KING IS THE CAUSE OF TIME

(Raja Kalasya Karanam)

BY

H. KRISHNA RAO, M.A.,

Mysore University.

The Indian conception of Time is that it is said to be the determining factor of everything in this world. The contradiction between the statements that God is Time and Time is God is only apparent: they suggest the intricate nature of the problem of Time.

The chief factors of human civilization are Man and Time. Of the two, the human factor has been described as mightier than

time factor and human energy more important than Daiva or fate.

Kaladharmā or the spirit of an age is said to be in accordance with the spirit with which the administration of a country is carried on. After illustrating this conception with reference to four yugas, a brief explanation for the decline of Dharma from Krita to Kali yuga is given.

The Indian belief is that Krita is made possible in the practical sense of the term only, when the king rules the kingdom in accordance with the principles of Dandaniti or the Science of Government.

The essential principles of Dandaniti which a king should follow are briefly explained.

In the concluding section mention is made of the part played by Dandaniti in the evolution of the social life of man and in helping the king to be the maker of the Age.

5

THE HINDU THEORY OF INTERNATIONAL RELATIONS AS EXPOUNDED IN KAMANDAKA'S NITISARA

BY

M. YAMUNACHARYA, M.A.,

Mysore University.

In Hindu Political Philosophy it was considered to be a righteous thing for any king to desire the expansion of his kingdom by military prowess and diplomacy. As a prelude to this—the Hindu Political theorists laid down—the King must begin to extend his 'Sphere of influence.' This doctrine is known as the doctrine of *Mandala*. He, being the centre of a circle, must strive gradually to widen the circumference as far as it could reach. Only thus can he preserve the integrity and the sovereignty of his state. The farther the circumference of his sphere of influence is pushed, the more remote is the possibility of aggression. The king would be wise in anticipating aggression even from the most unexpected quarters and to protect his sovereignty by constant preparedness, watchfulness and active but subtle efforts towards expansion of his 'Mandala.' All international or interstate relations are to be based on this conception of 'Mandala' which

is the foundation of practical international politics. Kamandaka has devoted an entire chapter for the explication of this concept and this is the basis of the account of the Hindu theory of international relations which is the theme of this paper. The date of Kamandaka is uncertain, but there is no doubt of the fact that Kautilya preceded him, for Kamandaka himself acknowledges what he owes to Kautilya in the first chapter of his *Nitisara*. From this we may infer that the political concept of 'Mandala' had found wide acceptance and had become well established as a tried theory in "Hindu Realpolitik."

THE ORIGIN OF THE STATE ACCORDING TO BHISHMA (MAHABHARATA)

BY

H. N. RAGHAVENDRACHAR, M.A.,
Mysore University.

I. The state is characterised by *dharma* and *palana* (protection).

II. There are two types of State :

- (i) The State characterised as *Kartayuga* (Ideal State).
- (ii) The State effected by the application of *Dandaniti*, the Science of Protection (*Rajya*).

III. The origin of the *Kartayuga*—State is the true nature of man. Man, by nature, is free from the defects such as *dainya* (inferiority complex), *moha* (disappearance of wisdom), *dharma-nasa* (disappearance of *dharma*), *kama* (the desire that is opposed to *dharma*), and *Brahmanasa* (the disappearance of spiritual outlook).

Owing to the degeneration of mankind this State disappeared. The cause of degeneration is Psychological. Next followed the necessity for the re-establishment of *Kartadharmā*.

The origin of *Rajya* is due to the wisdom of Philosophers, the exposition of which is called *Dandaniti*. The aim of *Rajya* is the re-establishment of *Kartadharmā*.

IV. This view of the origin of State has all the virtues of the different theories of the origin of State as expressed by the European thinkers and it is free from the defects of these theories.

7

GREEK RELIGION AND POLITICAL THOUGHT

BY

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Greek political thought had a serious flaw in it. It was secular and perfectionist. No doubt we see its impress on Christian Metaphysics through the imperishable Platonic utterances of St. Paul and others. But the Gospel being an emergent value laid a new and startling emphasis on the individual. This inevitably had creative repercussions in the realm of politics. Democracy found the stable spiritual foundation of a "Kingdom of ends."

Authoritarian politics deny the spiritual reality of the individual. In the political equation of power he is not given the status of a term. The mental climate suitable for the purpose is the worship of values pagan and absolute. Ethics, Politics, and Religion are identified in "Statism;" it is a Hellenic pre-christian approach to the perennial problem of individual interest in the context of social well-being.

8

THE POLITICS OF PLATO: IS POLITICS A
SCIENCE OR AN ART?

BY

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Spender's thesis that Politics is not a science consisting of a definite body of knowable principles but an art of a highly experimental kind proceeding by trial and error to unforeseeable ends, is the issue of the paper. Since the charge is levelled against Plato's politics in particular, this latter is examined in some detail. Starting with the distinction which Spender fails to draw between Politics as a science of principles and Government as an art which applies these principles within the limitations of a given social material, it is contended that there are two sides to Plato's

thought, that while he was the first and the greatest thinker to lay down eternal and universal principles of Politics and thus establish a science of Politics, he was at the same time a practical administrator also who in his eagerness to translate his philosophic vision into the concrete given social material of his day, adopted drastic authoritarian policies and proposals which make him appear like the spiritual *guru* of Hitler and Mussolini. This view is illustrated with reference to a number of aspects of Plato's political thought, such as the moral aim of Politics, the psychological orientation to Politics, the economic foundations of Politics, etc., and everywhere it is shown that Plato the *administrator* must be distinguished from Plato the *Political philosopher*. The lesson is drawn that philosophers must not be made rulers or kings but must be retained as the highest advisers or councillors of state—the divorce of philosophy from politics being always ruinous as in present-day Germany and Italy. Incidentally it is shown that Plato was not anti-democrat. The paper concludes with pointing out the difficulties of Spender's view and maintains that Politics is a science of principles which must not be confounded with Government as an art.

9

ARISTOTLE'S NATURAL THEORY OF THE ORIGIN OF THE STATE

BY

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In my 'First Principles of Politics,' I had *for the first time* added 'Plato's Economic theory of the origin of the State' to the generally accepted theories of the origin of the State. Now I am presenting 'Aristotle's Natural theory' as one more addition to these traditional theories.

It has been the tendency among writers to say that up to our own times theories of state were erected on some *one* tendency of human nature such as fear, imitation or reason, and Aristotle too was regarded as no exception in so far as he based his ideas on the 'instinct of sociality' in reaching the truth that 'man is a social animal.' In this essay, I have tried to disprove this narrow view and have maintained that Aristotle made use of a '*Confluence of tendencies*' in human nature.

I have thus shown that, *analytically considered*, Aristotle's theory is not (a) merely an *economic theory* as based on necessity or wants, (b) a mere *psychological theory* as based on an inner urge for sociality or the gregarious instinct, (c) a mere *physiological theory* as based on an urge for the propagation and continuity of the human race, (d) a mere *physical theory* as based on nature's differentiation of man from other animals by the quality of speech which makes man's union with man possible, (e) a mere *organic theory* in which the parts are inseparable from the whole, (f) a mere *historical or evolutionary theory* tracing the origin of the state from its rude beginnings to its perfect form, (g) a mere *ethical theory* explaining the origin of state not in mere life, but in a good, a moral and a common life and (h) lastly, a mere *theological theory* of man's existence telling him the final purpose of his life and the mode and the method of realising it through the agency of the state which represents the highest perfection of nature. It is, in fine, more than each of these. *Synthetically considered*, it is the *Natural Theory* of the origin of the state because it is the result of so many qualities or tendencies of the nature of the human race.

After this, a general *Criticism* has been offered in which, besides stating other points of permanent value and vital errors, I have tried to disprove the contention that Aristotle was *only* an Analytical thinker for I have maintained that he was a *Synthetic writer* also and that in combining the latter method with the former, Aristotle was, in our *Contemporary sense*, a Relativistic writer. Hence if he has been called a *Conservative writer*, he also appears to be a *Contemporary figure*. In this connection, I have also disproved the argument that Aristotle *only* divided the state into its logical or essential elements just as a genus is divided into its species. I have tried to prove that this 'logical' division is in fact the marking out of the various natural steps in the *historical evolution* of the state.

10

A MUSLIM POLITICAL THINKER OF THE 9TH CENTURY, A. C.—IBNI ABI'R-RABI

BY

H. K. SHERWANI.

(Published in this number pp. 343—359)

11

THE SOCIAL AND POLITICAL IDEAS OF IBN KHALDUN

BY

M. ABDUL QADIR, B.A., B.Sc. (Econ.), London,

*Osmania University, Hyderabad (Dn.).**Ibn Khaldun's Life and Times*

His early life—Formative influences—His character—His Political career—Political upheavals in the Muslim world of the 14th century and their effects on the writer.

Ibn Khaldun's "Prolegomena"

"Prolegomena," the author's "Magnum opus"—The importance of the work—Some comparisons—The chief divisions.

His conception of History

Secular and Theological approach—The writer considered as the forerunner of the modern approach to history—Subject-matter of history—Ibn Khaldun's departure from the traditional scope of history—His emphasis on the study of social phenomena in their entirety—Philosophy of history as expounded by the author—The physical basis of civilization—The Cyclical theory of history—Some modern comparisons—Historical criticism—The nature of historical errors—Canons of historical criticism—The question of method—Chronology given up in favour of topical method—Introduction of Empirical and comparative methods.

His Social Ideas

His theory of social evolution—His cyclical theory of history—(1) Nomadic society—Its characteristics—(2) The Epoch of conquests—The rule of law—(3) The Epoch of civilization—The writer's observations on the rise and growth of cities—The subsequent decay of civilization—Emergence of a new and powerful nomadic race and the foundation of a new state—Repetition of the same cycle.

His Political Ideas

Origins of the state:—The part played by social impulses and human planning—Some comparisons—The course of political evolution—The bases of political cohesion—The forms of Government:—(1) Monarchy, (2) Aristocracy, (3) Theocracy.

The Caliphate—Conditions attached to the office—The functions—The power of deposition—The question of succession.

The Rise and Fall of Empires

The phases of development—Limits to the extension of an Empire—Duration of Empires—The Theory of three generations—The symptoms of decline—The process of disintegration.

The features of permanent value in the social and political ideas of Ibn Khaldun and their bearing on some modern trends in social and political theory.

12

ABSENCE OF DISSOLUTION IN THE PARLIAMENTARY
SYSTEM OF THE THIRD REPUBLIC IN FRANCE

BY

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The French Constitution of 1875 gave the President of the Republic the right to dissolve the Chamber of Deputies, before the expiry of its legal term, with the consent of the Senate. The provision was included after much discussion which however showed lack of appreciation of the institution of Dissolution in a democracy.

Partly due to the disastrous use of dissolutionary powers in 1877 and mainly to its subjection to the senatorial will, the clause relating to dissolution remained inoperative.

Without the institution of dissolution, France had only "pseudo-parliamentary regime."

13

GANDHIJI'S POLITICAL PHILOSOPHY

BY

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and

GOPINATH DHAWAN,

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The evils associated with the modern civilisation arise from the failure of moral refinement to keep pace with material

progress. Due to capitalism and militarism which necessitate a high degree of centralised control, democracy has practically everywhere become undemocratic. If mankind is not to relapse into another dark age of savagery, the desideratum is adopting non-violence as a method of settling conflicts and of regulating individual and group relations.

Non-violence has a rich historical background and a profound philosophical tradition. Gandhiji is the greatest exponent of the ideal and has imparted to it fulness of meaning, universality of application and compelling scientific appeal which it did not possess before him.

A firm faith in God and soul and in the unity of all life is the starting point of *his* philosophy of Satyagraha. Man's self-development consists in striving after "the greatest good of all." This can best be achieved in a classless and stateless non-violent *democracy* which can be evolved only by means of Satyagraha.

Satyagraha, which is the pursuit of the truthful ends by non-violent means, includes, in addition to non-violent direct action, all constructive activities. Constructive Satyagraha, which aims at transforming the present socio-economic structure along non-violent lines, determines the morale of the non-violent army. As direct action, "The essence of non-violent technique is that it seeks to liquidate antagonisms but not antagonists." If the Satyagrahi's appeal to the opponent's reason fails, the former tries to melt the latter's heart by undertaking pure voluntary suffering.

Once the correctness of the ideal is conceded, it is unscientific, in view of the limitless teachability of man as well as successful instances of Satyagraha, to question its practicability on the ground of imperfections of human nature.

14

IS NAZISM PLATONIC?

BY

C. V. SRINIVASA MURTY, M.A.,

Mysore University.

A *prima facie* study of Plato's *Republic* and Hitler's *Mein Kampf* reveals remarkable similarities between the Platonic vision of an ideal state and the Nazi Dictatorship in practice. Both are revolutionaries inspired by the love of their people and

determined to raise them to a "higher level of humanity." Both are uncompromising dictators with unswerving faith in the supreme power of the state to reform every aspect of the life of the people, based on the idea of the incapacity of the many to judge for themselves. Both of them expound a system of education founded on the principle of 'sound mind in a sound body', and entirely controlled by the state which will change the attitude of people and bring order out of chaos. The thought is irresistible — Is Nazism Platonic?

A closer study definitely points to a negative answer.* There is a fundamental difference in outlook which makes them different in everything. The platonic state is through and through ethical in character, based on the idea of the Good, while Nazism is unethical based on force implying a virtual abandonment of the methods of peaceful change. In the former, obedience to authority is inspired by love and the free choice of the citizens, while in the latter it is based on force and compulsion.

The idea of the absolutely Good, the foundational principle of the platonic state, though intended to apply to the city-state, is universal in character. But the denotation of the term humanity envisaged by the Nazis does not extend beyond the German state inhabited by the Nordic race. Hence it suffers from the limitations of a narrow vision.

Thus in their ethical outlook the platonic and the Nazi states are as far away from each other as *The Republic* and *Mein Kampf* are separated in time.

15

THE RÔLE OF REVOLUTION IN SOCIAL DYNAMICS

BY

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The classical theories of social dynamics do not explicitly discuss the necessity of revolution as a mode of social change in a specific type of environment. This specific type of environment is the one dominated by irrational impulses of men. In society, irrational impulses work through social myths. Social myths draw upon the emotional energy of men and generate

sufficient social power to overcome the opposition of conservative factors. In this disturbed equilibrium in the 'field' of Social energy, a revolution re-establishes equilibrium between the rational and the emotive factors in Society. It is a particular mode of change—qualitative change in society.

II

PARTY GOVERNMENT AND PUBLIC ADMINISTRATION IN INDIA

1

THE PROBLEM OF PARTY GOVERNMENT IN INDIA

BY

D. N. BANERJEE,

Head of the Department of Political Science, University of Dacca.
(Published in this number pp. 360—371)

2

IS PARLIAMENTARY DEMOCRACY SUITED TO INDIA?

BY

M. V. KRISHNA RAO, M.A.,

Mysore University.

Democracy, a rationally planned system of government—parliamentary democracy is a tradition—parliamentary democracy for India. Conditions necessary for its successful working—*Homogeneity*, Impediments to secure it in India; lines of cleavage, religious and political—how is homogeneity to be realised?—feeling of patriotism, of racial identity. Other factors indispensable for parliamentary government in India, *multiple parties*; party fluidity, examination of party organisation in India—the importance of alternative government by parties; functions of the Assembly as a corrective to the ascendancy of the executive.

Unicameral legislature, the Council of State in India; its composition and functions; its limitations; increasing popular interest in Government in federations; democratic faith in a revisory second chamber. Manifestation of *public interest* in the legislative process, judicial interpretation and administrative discretion needed as a corrective.

3

THE STATUS OF MINISTERS IN INDIA

BY

A. B. RUDRA, M.A., B.L., Ph.D. (London),

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(Published in this number pp. 372—384)

4

CONSTITUENT ASSEMBLIES AND INDIA

BY

V. S. RAM & GYANENDRA TRIVEDI, M.A., LL.B.,

Lucknow University.

This paper examines the demand for a Constituent Assembly for India.

The theory of conventions which has been discussed includes the growth of the concept and its development in the states of the U. S. The powers, functions and sovereignty of a convention have been mentioned so as to indicate possible solutions to some of the problems of India.

The procedure, composition, powers and problems of conventions in the United States, Ireland and South Africa are also studied. The convention of the U. S. is of particular interest as it was the first in the history of modern civilisation. Irish and South African conventions have been dealt with as they suggest solutions to some of India's major problems.

Finally, the issues which will face the Constituent assembly in India have been tackled and some solutions suggested.

5

LEGISLATIVE PRIVILEGES IN INDIA

BY

P. N. MALHAN, M.A.,

*Research Student, The Department of Political Science,
Punjab University.*

A. (1) Essentiality of privileges for a Legislature—their nature and importance.

(2) Privileges of British Parliament and their basis.

(3) Constitutional Law regarding privileges as applied to:—

(a) The Dominions.

(b) The Colonies.

B. Study of privileges in India:—

(a) Principle governing the privileges (1) under the Act of 1919, (2) under the Act of 1935.

(b) Privileges recognised in India:—

(1) Statutory privileges, (2) Enacted privileges,
(3) Conventional privileges.

(c) Procedure regarding the privilege motion.

(d) Method of enforcement.

(e) The jurisdiction of the High Court in relation to the privileges.

(f) Potentialities under the new Act—Lead taken by Punjab and Bengal.

(g) Conclusions.

6

CHAMBER OF PRINCES

BY

R. P. BHARGAVA, M.A., LL.B.,

Lucknow University.

Different proposals had been put forward before the Montague-Chelmsford Report to organise a system of Conferences

amongst the ruling princes of India in order to secure the expression of their Collective opinion and to provide opportunity for counsel and consultation in All-India matters. The report on Indian Constitutional Reforms by Montague and Chelmsford gave a permanent and effective form and stated that it was desired to call into existence a permanent consultative body.

It was by Royal Proclamation that the Chamber of Princes was set up at Delhi on 8th February, 1921 and was inaugurated by His Royal Highness the Duke of Connaught.

Constitution

The Chamber of Princes contains (1) 108 Rulers of States who are members in their own rights. (2) 12 additional members elected by the rulers of 127 other States not included in the above. The Chamber selects by vote its own officers who are the Chancellor, a Pro-Chancellor to act for him in his absence out of India and a standing committee of the Chamber. It is merely a consultative, deliberative and an advisory body and not an executive one.

Short Review of its work

The first session of the Chamber of Princes was held soon after its inauguration and His Highness the Maharajah of Bikaner was elected its first Chancellor. Until 1929, the proceedings of the Chamber were *in camera*. It was opened to the public in February, 1929. The first and foremost work, taken up by the Chamber in 1926, was the determination of the rights of the states in the Political and Economic sphere under the Chancellorship of the Maharaja of Patiala. For satisfying the grievances of the Princes, His Majesty's Government appointed a committee known as the Butler Committee or the States' Enquiry Committee, to enquire and submit a report. But the Princes were not satisfied with its report in the end.

The most important question which the Chamber discussed was Federation. The issue of Federation caused sharp divisions of opinion among the Princes. Various meetings and conferences were organised to discuss the question of states' entry into Federation. The Hydari Committee after considering the opinions of legal advisers left it to the Princes to take such action as they might think necessary to safeguard their rights. The Princes and Ministers' Conference held in Bombay in June, 1939 passed a resolution rejecting the revised draft of Instrument of Accession as it seeks to protect their treaty rights inadequately and as it

extends beyond what was contemplated by the framers of the constitution.

With the outbreak of War, the efforts of H. E. the Viceroy to inaugurate the Federal part of the constitution came to an abrupt end. While affirming that Federation remained the objective of His Majesty's Government, H. E. the Viceroy said in September, 1939, "We have no choice but to hold in suspense the work in connection with preparation for Federation."

H. H. the Jamsaheb of Nawanagar, Chancellor, in his speech at the annual session of March, 1940 said that the states and their rulers warmly welcomed the announcement made by H. E. The Viceroy on behalf of His Majesty's Government. "That the goal of British Policy in India is the attainment by India of the full status of a Dominion."

H. H. of Patiala, the late Chancellor, summing up the Chamber's achievements stated "It was set up under conditions which made it almost useless for our purpose."

The Chamber of Princes has failed to achieve its object finally. It is the crying need of the day that there must be complete unity among the Princes and hence the need for a strong Chamber of Princes is keenly felt.

Suggestions have been put forward for its re-organisation from different corners. But it is essential that its initial defects should be removed first of all. Modification in its constitution should be made so that it may be a real spokesman of the Princes. This will depend upon the future development and the changing attitude of British India and the Princes.

7

THE FIRST LEGISLATIVE ASSEMBLY OF THE U. P.

BY

P. N. MASALDAN, M.A.,

Lucknow University.

A. Its life and birth.

B. Its composition and organisation—Strength—Constituencies and Distribution of seats—Parties—Committees.

C. The Officers of the House (i) The Speaker—His party affiliations—Rulings—Remuneration. (ii) The Deputy Speaker and the Panel of Chairmen. (iii) The Secretary and the Assembly Department.

D. The rules of Procedure and the question, of language.

E. Its sittings—their total number—joint sittings—quorum—attendance.

F. Business transacted by the House

(i) Bills—their procedure—number of Bills passed, Official and non-official—time occupied by them—Budget.

(ii) Resolutions—rules of procedure—number passed, negatived, etc.—their subject-matter.

(iii) Motions for adjournment—their rules—number—Subject-matter.

(iv) Interpellations.

G. Standard of Debates.

8

THE WORKING OF THE SYSTEM OF PRIMARY ELECTION IN INDIA

BY

S. VENKATADESIKACHAR, M.A.,

Mysore University.

The authors of the Poona Pact hoped that the members returned at the primary elections to contest seats reserved for the Scheduled Classes in the General Constituencies would command the confidence of a good section of the primary electors. This hope has not been realised. There is a great paucity of candidates at the primary elections. Further, the requirement that, if primary elections are to be held, there should be not less than four candidates for a reserved seat, is unsatisfactory. The present system calls for a change. It is suggested that primary election might be held if there is more than one candidate contesting a

reserved seat, and all those who obtain not less than 25% of the votes cast might be declared eligible to contest the reserved seats in the general elections.

9

CUMULATIVE VOTING AND THE POONA PACT

BY

S. VENKATADESIKACHAR, M.A.,

Mysore University.

Cumulative voting in general constituencies with reserved seats is against the spirit of the Poona Pact. The adoption of the system of distributive vote, in its compulsory or non-compulsory form, is advocated as more in consonance with the spirit of the Pact.

10

PARTY, POLICY & ADMINISTRATION IN LOCAL BODIES

BY

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Andhra University, Waltair.*

National parties enter local politics to consolidate their position and they do not place any alternative policies before the electorate. The combination of the functions of the President, Prime Minister and executive officer in the same person has been responsible for much of the inefficiency in local administration. The formation of parties on local issues and the separation of the functions of the political executive from those of the professional administrator are therefore necessary. But it is not possible to form parties on local issues as there is generally agreement on the more important of them and the rest are too narrow to be susceptible of division on party lines. Parties are however necessary to select candidates and canvass for their election, but local administration need not be carried on, on party lines, especially if patronage is taken away from the councils and vested in an

independent body like the Public Services Commission. The English system of committee government is best suited to local bodies, as it encourages a non-party attitude to local questions. While it is necessary to entrust the actual work of administration to an executive officer like the Municipal Commissioner in Madras, he should not be appointed or dismissed for political or party reasons, as has happened recently in some cases in Madras.

11

THE PRINCIPLE OF EFFICIENCY AS A DETERMINANT
OF CIVIL EXPENDITURE

BY

M. H. GOPAL, M.A., Ph.D.,

Mysore University.

Expenditure on civil administration in India has become the subject of great criticism in recent years and the axe has been applied especially to salaries. The suggestions regarding the maximum limit of salaries have varied from Rs. 200 to Rs. 2000 a month.

The problem is analysed in this paper from the standpoint of public finance. It is suggested that there are three fundamental principles guiding expenditure on civil administration; *viz.*, the principles of efficiency, compensation and economy. Only the first of these, in some of its aspects, is considered here.

The principle of efficiency discusses the basis of compensation, *viz.*, the fundamentals of classification of the personnel, duties and salaries, as well as the allied problems of the factors bearing on the quality of the personnel, the principles of personnel management in public economy, the place of the merit system, the influence of the environment, the effects of political regime, the question of appointing authorities and similar problems.

The canon of compensation views expenditure in terms of efficiency and of the controlling factors, such as, the supply price, the alternative markets, peculiarities of public service, price standardisation, compensation plan. The principle of economy brings together the other two principles and emphasises the importance of the repercussions on social welfare calling

attention to false economies, direction of expenditure, effects on social and economic equilibrium, etc.

The three principles are inter-related. The prices of goods and services required in public administration cannot be equitably determined merely by considering the national income or the public revenues or by preconceived notions. There are only a few of the factors influencing the canon of compensation. Efficiency, which of course is not absolute but relative to compensation and type of work, ought to be the first consideration in determining public administration expenditure.

12

THE LIBERTY OF THE INDIVIDUAL IN WAR TIME

BY

E. ASIRVATHAM, M.A., Ph.D.

1. *Introduction*

Liberty of the individual is not an absolute right either in peace time or during war. In war time it is relative to public safety and security. It does not mean the complete handing of oneself over to a dictator in the name of unity, discipline and victory. Preservation and protection of civil liberties is necessary (a) for the sake of the individual and (b) for the sake of the state itself. In the absence of balanced and well-informed public opinion, a government engaged in war is apt to become panicky and irresponsible, or altogether lethargic. It is wrong to assume that a war cannot be conducted on democratic lines. Even in war time, government should hold its authority by the mandate of the people.

2. *War-time Rules and Regulations restricting the liberty of the individual*

Analysis of the Emergency Powers (Defence) Act of August, 1939 and the Regulations framed thereunder; also of the Defence of India Act (1939), and the rule thereunder. Under the fire of criticism several of the English Regulations have been changed and some have been found to be quite unnecessary. Extraordinary powers given to the Home Secretary and to the Police. Comparison of executive war-time powers in England and India.

3. *Where do our Civil Liberties stand?*

(1) Position of the conscientious objectors. Allowed to hold their views but not to undermine the Nation's war effort. Tribunals to consider applications from conscientious objectors. Victimisation of conscientious objectors, by certain local authorities, private firms and bodies of workmen. The peculiarly difficult position of conscientious objectors in the ranks of the civil service.

(2) Conscription of men, technicians, skilled labourers and of wealth.

(3) Censorship—restrictions on freedom of speech, writing and publication and other such rights. The spirit in which the Rules and Regulations are applied. Freedom of speech in the British Parliament—British propaganda methods.

(4) Freedom of meeting and association and severe restrictions on it.

(5) Suspension of the habeas-corpus, the greatest single blow to the liberty of the individual.

(6) Other Restrictive measures—such as the rationing of food, billeting, the curfew order, restriction on voluntary organisations wearing military uniforms, practising military drill, etc. Their necessity.

4. *Conclusion*

Comparison of the position in England and India with that in Germany and the enemy-occupied countries. The price of liberty is eternal vigilance. The service rendered by editors and newspaper proprietors in India in persuading the Government to rescind some of its restrictive measures. The part that Universities can play in preserving and protecting the right to a sober, well-informed and constructive criticism.

13

MINORITIES AND THE ADMINISTRATION

BY

A. APPADORAI, M.A., Ph.D.

The minority problem in India has come to loom large in current politics with the increasing activities of the Muslim

League. The Pirpur Report gives a fair indication of the nature of minority grievances or suspicions. It is remarkable, however, that most of these relate to *administrative* matters and very few indeed to the legislative.

In order to create a sense of security among the minorities, means must be devised to prevent the denial of equal civil and political rights to them by an unsympathetic administration controlled by the majority. This is a problem common to all countries that possess minorities at all in a linguistic, religious, racial or similar sense. There is, however, an aspect of the problem peculiar to India, *viz.*, the relative backwardness, economic and cultural, of certain of her minorities. Here, therefore, in addition to the protection of equal civil rights, a preferential treatment in favour of minorities in some respects would seem to be necessary in order to enable them to face competition with the relatively advanced majority.

1. The inclusion of a declaration of fundamental rights as part of a written constitution is one possible method. Its effectiveness is doubtful in the light of European experience. If, however, taking a leaf from the post-war minority treaties, we could define these rights as precisely as possible, so that they could be implemented by law courts, with the least political bias, the declaration might have some value.

2. An independent and impartial judiciary is a good safeguard inasmuch as citizens who are denied their rights by administrative officers can seek protection from a law court. The provisions in the Indian Constitution to secure such independence must be deemed sufficient. The court of law can however give no protection where the complaints of minorities relate to matters of administrative policy which are not justifiable.

3. The special responsibility vested in the Governor was intended to be an effective protection. It is contended in some quarters that this is ineffective: under certain circumstances, it may be still of some use.

4. A composite cabinet, including representatives of minority communities who do not necessarily share the political views of the majority party has several defects; but it may, nevertheless, be useful under certain conditions.

5. A Sub-Committee of the cabinet consisting of the heads of the departments of Education, Local Administration and

Finance may be appointed to secure better supervision over certain departments.

6. A Standing Finance Committee of the legislature may be useful to ensure that a due proportion of the revenue is spent for essential minority educational purposes.

7. Advisory Committees including members from minority communities (preferably chosen from representative associations) attached to the executive departments of Government could well be tried.

8. Communal representation in the public services, now recognised by the Central and Provincial Governments is based on the correct political principle that the efficiency of the public services is a function not merely of the qualifications of the entrants thereto, but of the social harmony in the body-politic served by them. The principle, however, works under certain healthy safeguards which it will be unwise to depart from, i.e., (a) prescription of minimum qualifications, (b) promotion unaffected by it, (c) is not carried too far.

14

SOME ASPECTS OF VILLAGE ADMINISTRATION

BY

N. SRINIVASAN,

Andhra University.

The question of Areas: Basis of Population, or Single Village, or groups of villages? The factors to be considered in considering suitable administrative areas: History, local sentiment, and resources.

The question of Machinery; Direct participation of the Village as a whole—The place of direct democracy in village administration—The Panchayat—The village officers—A possible plan of co-ordinating the agencies of administration in the village.

The question of Functions: Revenue, Judicial; Welfare Functions Co-operative Farming and Marketing; Sanitation and Education; Stimulating Village enterprise.

Finance: Land Revenue, Cess; a share of the former or a cess or both; the conversion of present customary village dues into statutory duties earmarked for certain defined services in the villages; Can Villages be given the power of borrowing?

Supervision: The Revenue Hierarchy—Its authoritarian and unhelpful character; The Panchayat Officers and their assistants; What they have been able to do, and what they can accomplish.

Summary of Suggestions.

15

A WORKABLE CONSTITUTION FOR INDIA

BY

M. AZIZ, M.A., Ph.D.,

Muslim University, Aligarh.

1. Introduction: The Constitutional problem of India a complicated question—the main forces working are the British, the Congress, the League and Indian States.

2. The League and the Pakistan scheme: Circumstances that led to it—views of the Congress and the League diametrically opposed to each other—the Pakistan the only solution of the problem.

3. Balfour Declaration of 1926: The definition of *Dominion Status*—Responsible government not its essential feature but internal and external independence—possible changes in India if she were to be given *Dominion Status*.

4. India as constituted to-day consists of various interests, nationalities and governments—the only form of future Indian government is federal, not unitary.

5. Federation is a union of states—the units of the Indian federation—the basis of redistribution of British India in proportion to the strength of Hindu and Muslim majorities—grouping of smaller states into larger units.

6. The principle of devolution of powers: the Indian states (Hindu and Muslim) to be consulted beforehand as to the powers they are willing to transfer to the Federal Government—powers

of Federal Government to be specified and the residual powers to rest with the units.

7. The Federal Legislature—Two Houses with equal powers—Upper House to consist of indirectly elected or nominated members and the Lower House to consist of elected members—the apprehensions of the Muslims concerning the Central Government and the way of removing these apprehensions suggested.

8. The units of the federation to enjoy complete internal autonomy—the form of government in Indian States to be left to the decision of their rulers and their people.

9. Provincial Legislature—to consist of elected members, the majority community to have 60% of representation and the same proportion to be observed in the services also.

10. Ministers to be chosen out of the members of the Legislature by the Governor so as to represent various important communities and interests—the responsibility of a minister is to the group he represents—a group may pass a vote of censure on its minister and force him to resign—no *single party* government recommended.

Conclusions

III

CONSTITUTIONAL DEVELOPMENT IN INDIAN STATES

1

CONSTITUTIONAL REFORMS IN INDIAN STATES

BY

GURMUKH NIHAL SINGH.

In this paper an attempt has been made to study the Reforms announced in Indian States during the last three years comparatively. The Reform Schemes are examined from the

point of view of the changes made in the position and powers of the Ruler, the grant of fundamental rights to the people, the alterations proposed in the constitution of State executives and the introduction of any element of responsibility in the Government of the States, the extension of the representative principle in the constitution of the legislatures and the powers conferred on them and the creation of other bodies, for the association of the people with the government of the State:

An attempt is finally made to evaluate the reforms. It is a purely objective study that has been attempted and the paper does not deal with the questions connected with the problem of responsible government in the States.

The conclusion reached is, that the vast majority of the State—of even those who have attempted to introduce reforms—are still in the pre-Montford stage. Only two States have attempted to introduce some sort of Dyarchy, *i.e.*, Cochin and Rajkot; and it is the small State of Aundh which has earned the credit and distinction of being the most advanced State in India and which has boldly attempted the experiment of almost complete responsible government.

2

CIVIL LIBERTY IN THE BARODA STATE

BY

INDRA DATTA SHARMA,

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The question of civil liberties in the States shelved for the present due to the international situation and political conditions in India. It is bound to assume importance after the present crisis has passed away.

There are very few States—Baroda, Mysore, Travancore and Cochin,—in which elements of civil liberty exist, though the extent to which civil liberties may exist in each State may differ, elements of civil liberty are recognised and guaranteed by all progressive States, no State allows unlimited rights and privileges to its citizens.

The paper goes on to describe in the light of cases, the extent to which civil liberty—Right of life, Right of liberty and

Free movement, Freedom of the Press and Right against Government officials—exists in the State of Baroda.

In conclusion it is contended that in critical times, as the present, no State can afford to allow absolute and unrestrained liberty to its citizens in the interests of its own stability and for the sake of the preservation of political, economic and social order. However it is hoped that most of the Indian States in which even rudimentary elements of civil liberty do not exist will follow the example of Baroda and grant elementary rights of citizenship to their people.

3

THE REFORMED CONSTITUTION OF THE HYDERABAD STATE

BY

M. VENKATARANGAIYA, M. A.,

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In his learned paper on "The Evolution of the Legislature in Hyderabad" read at the last Indian Political Science Conference, Professor H. K. SHERWANI put forward the view that the reforms introduced by the Nizam in 1939 formed a bold, unique and definite departure from the principles supposed to be the last word in the application of democracy to India and that they were free from the shortcomings and drawbacks arising out of the graft of a purely European democracy to Indian conditions. He also came to the conclusion that the Firman was a great step forward in the matter of representation, composition and powers of the legislative assembly and that in certain respects could even serve as a pointer to British India. The implications of this view are that the Reforms are democratic in their nature and that the democracy resulting from them is superior to that which is found in Europe. An analysis however of the basic principles underlying the reforms shows clearly that the view of Professor Sherwani is quite untenable.

(1) The object of the reforms is not at all the introduction of democracy of either the European or the Indian type. It is a much more humble one of "bringing about a more effective association of the different interests in the State with the govern-

ment, whereby the latter may be placed in continuous possession of their needs and desires." To acquire therefore a knowledge of the needs and desires of the people, is the purpose of the reforms but not giving them or their representatives an effective share in the exercise of political power. The basic conception of the polity envisaged is stated thus by the Reforms Committee and endorsed by the Executive Council of the State: "The Head of the State represents the people directly in his own person, and his connection with them, therefore, is more natural and abiding than that of any passing elected representatives." And such a conception is inconsistent with democracy.

(2) The representative system for which provision is made in the reforms is of the Corporate type. The Reforms Committee recommended the representation of specific economic and industrial interests—which is the one important respect in which according to Professor Sherwani, Hyderabad has departed from European democracy on the ground that it was, "the trend of modern progressive thought on which rests the theory of the Corporate State." Whatever the Corporate state might or might not be, it is not democratic State. It is the structural form of Fascism.

(3) The Firman regards the Hyderabad State as a Muslim State even though the large majority of the people in the state are Hindus. It provides for the representation of the two communities on an equal basis. Its primary and fundamental purpose is the maintenance of the ascendancy of the muslim community. This is more fundamental than the representation on the basis of economic interests. The absence of any provision for equality of representation in the Executive Council and in the Public services taken along with the fact that final authority continues to be lodged in the Muslim Head of the State makes it clear that the reforms do not aim at democracy but only at the perpetuation of the rule of a minority community.

(4) The introduction of a unicameral legislative assembly instead of a bicameral one has also been regarded as a great achievement of the reforms. But this loses all its significance in view of the fact that the question becomes important only where the lower chamber is really democratic, and this is not the case with the Hyderabad Legislative Assembly. Moreover, this assembly itself is so constituted as to give a preponderant voice to those special and vested interests in the State for whose benefit a second chamber is ordinarily proposed.

(5) The essence of democracy is not the system of election so very much as facilities for freedom of meeting and freedom for the discussion of all public questions. These facilities have not been provided for in the reforms introduced. There is thus nothing remarkable about the Hyderabad reforms and they have done nothing to transform the constitutional structure of the state, in the direction of democracy.

4

THE EXECUTIVE IN KASHMIR

BY

HARMAN SINGH, M. A.,

Lucknow University.

Historical:—First two rulers were personal rulers—The council was, for the first time, formed during the time of Maharajah Pratap Singh—The Political awakening in British India had its effect in Kashmir—The Maharajah is the Executive Head of the state—The territories are vested in His Highness and are governed in his name—All powers are vested in His Highness—Maharajah's power of issuing ordinances—Legislative powers of the Maharajah—In 1934 the first legislative assembly composed of His Highness and a single chamber with elected minority was formed—Scope of the powers of the Praja Sabha is very limited—The Maharajah has the power of veto, assent and certification of a bill—His Highness is the highest judicial authority in the state—The Council of Ministers is composed and appointed by His Highness to whom it is responsible—The superintendence, direction and control of the government of the state is vested in the Council—The powers of the Prime Minister are legally conferred upon him by His Highness—The appointment of the Prime Minister rests within the discretion of His Highness which is to a great extent limited by the advice and approval of the Indian Government—The Prime Minister can return any Bill to the House for reconsideration, restrict any discussion on any Bill which affects the safety of the state—The Resident's invisible hand—The advice of the Residency is virtually a command and the scope of the advice is unlimited.

5

MONARCHY AS THE POINT OF CONCURRENCE IN THE
CONSTITUTIONAL DEVELOPMENT OF INDIAN
STATES LIKE MYSORE

BY

K. N. VENKATASUBBA SASTRI, M.A., Ph.D.,

Mysore University.

This paper on a topic of comparative history will show that attacking the Kingship for the sake of acquiring a few fundamental Rights of man is at once opposed to the science of politics, the history of mankind, and Indian thought and that reforms in the constitutions of Indian States like Mysore are highly dependent upon the personal character of the monarch, the sense of values inspiring local political thought and institutions, and the limits imposed by inter-statal law and practice.

It is admitted on all hands that there are no parallels in history or politics to the Indian States where administration counts more than constitutional window-dressing. Mysore, Baroda, Gwalior may have reforms similar to those of Cochin and Aundh, but a large and historical state like Mysore must have the doing or undoing of the constitution entirely 'under the aegis of the Maharajah.'

What is often forgotten in the din and dust of everyday life including the demand for a new constitution is the existence of the Fifth Cause or the Divine Intervention in human affairs. What worse accident could befall Mysore than the sudden demise of Krishnaraja Wadiyar IV who granted the reforms but could not live to see it introduced and worked? And at the same time what a happy fact it is that H. H. Jayachamaraja Wadiyar should succeed immediately to fulfil his great uncle's wishes! But are such coincidences common? Rarely, we may say. The recent election of Mr. Roosevelt for a third term, which none could have foretold, confirms the fear that democracy may fail on a few important occasions unless it reverts temporarily to the monarchical type by popular consent. Monarchy seems to be God's will in the ordination of human life.

'England' offers the best example of natural organisation of political life and the states may well follow her illustrious example.

6

THE NEW CONSTITUTION OF MYSORE

(Some aspects)

BY

A. APPADORAI, M.A., Ph.D.

1. *Introductory*

Every new scheme of government is a valuable addition to the political experience of mankind. The new constitution of Mysore is an experiment in government which deserves careful study.

2. *Essential features in outline*

(a) A Representative Assembly, of about 310 to 325 members, for the most part elected, with enlarged powers.

(b) A Legislative Council of 68 members with a non-official and elected majority, with power to pass laws for the State except on such matters as the Ruling family, Treaty relations and changes in the constitution of the State.

(c) A widened electorate.

(d) An Executive remodelled to permit the inclusion of a popular element in the executive administration and working on the principle of joint responsibility.

(e) A Public Service Commission to assist Government in regard to recruitment to, and organisation of, the public services.

3. *Two features of this plan deserve detailed notice considered as a political system*

A. THE ORGANISATION OF THE LEGISLATURE:

Departure from the orthodox parliamentary pattern of a bicameral system—unique feature: the functions of representation and legislation separated—Authority of Mill in support—Ancient and modern practice regarding law-making—Differentiation in the character of the two Houses in composition, size and function, mutually complementary—Representative Assembly with a *preliminary* function not revisory—worthy of imitation elsewhere—an important passage in the Maharajah's proclamation.

B. THE ORGANISATION OF THE EXECUTIVE:

Its object: to introduce a popular element in administration—method: 2 ministers out of 4 to be chosen from the elected members of the legislature.

Departure from the English system—Conditions for the successful working of that system: parties,—majority and minority, some preliminaries to inspire faith in a legislature's capacity continuously to control its executive—Indian experience of dyarchy.

Keith's dictum regarding the introduction of responsible government in India: "chance of government by Indians on such lines as might be found appropriate to Indian conditions".

The position of the Maharajah, Dewan, the official ministers and the non-official ministers—their place in the Scheme.

Merits: (i) Stability. (ii) Methods by which popular opinion can influence the executive—the place for conventions. (iii) Does not force the pace but steers a *via media* path—gives a place to the monarch as being above all sections and parties, especially necessary till minorities learn to trust themselves to the reasonableness of the majority.

4. *Estimate*: A twofold approach:—

A. Is it an improvement on the existing constitution—clearly, and by common consent, it is.

B. Does it satisfy the tests of a workable scheme of government suited to the times and to the people for whom it is intended? It is an accepted maxim in politics that the true value of a political contrivance lies not in its integrity or the theoretical consistency but in its adaptation to the temper and circumstance of the people for whom it is intended.

(i) Gradual modification of a complex structure.

(ii) Significance of the circumstance, Mysore, part of India, not of *British* India—Identity of interest between the Ruler and the Ruled—The place of imitation in politics.

(iii) Harmonious combination of the monarchic and democratic elements—The golden mean.

(iv) The principle of the constitution not so much of checks and balances as one of harmonious co-operation for the common good.

(v) A disposition to preserve and an ability to improve.

7

DOMINION STATUS AND THE CONSTITUTIONAL
DEVELOPMENT OF THE INDIAN STATES

BY

N. S. PARDASANI, M.A.,

Bombay University.

The paper seeks to examine the exact constitutional implications of the present policy of the British Government with special reference to the Indian States. The concept of Dominion Status is first analysed to show that its chief characteristic is the principle of equality of status as between Great Britain and the Dominions. The consequences of the grant of this status to India are then examined and it is shown that a surrender of the principle of Paramountcy and a change in the 'Personal' government in the States would be unavoidable. The conclusion is therefore offered that the concept of Dominion Status is incompatible with the 'due fulfilment of obligations' on the part of the British Government.

IV

INTERNATIONAL AFFAIRS AND RELATIONS

1

THE FAR EASTERN QUESTION .

BY

P. G. SATHYAGIRINATHAN, M.A. (HONS.),

Mysore University.

Carrying peace to the Pacific is an important part of the establishment of world security. The Far Eastern Question is a striking example of the present-day difficulty of distinguishing between local problems and world problems. The Pacific region is an important arena of international struggles. In one way or another all the nations of the earth are practically involved

in it: (a) by *geographical position*; China, Japan, Russia, Canada, United States of America, many South American states, Australia; (b) *through economic commitments and imperial or strategic necessity*: Britain, France, the Netherlands, India. (c) *indirectly*, as allies of Pacific nations or as factors in world order: Germany, Italy.

An acute phase of the Far Eastern Question was reached with the advance of Japan as a world power. Her territorial and economic hunger is a dominant factor in the situation. Account should also be taken of the Japanese mission of leadership in Asia. Should Japan's interests in the Pacific be taken as including not only the development of trade relations with the South American republics but also possible designs on the Philippines, French Indo-China, the Netherlands Indies and Australia?

China has been the Sick Man of Asia. For about a century pressure from outside has been the chief problem of that country. Sino-Japanese relations since 1895 afford an interesting study to the student of international affairs. The present "incident" is already in its fourth year. General Chiang Kai Shek has been not only resisting Japanese aggression but also exploring all possible avenues of economic and political regeneration.

Among the commitments and policies of Western powers in the Far East a prominent place is occupied by those of Great Britain. British trade and capital have been playing an important part in the economic life of the Far East. Britain's anxieties in the Pacific are also connected with the questions of the defence of India and of communication with Australia and other members of the Commonwealth in peace and war.

An element of mystery pervades the policy of Soviet Russia in the east as in the west. What is the nature and amount of Russia's interest in the Sino-Japanese struggle? What results are likely to flow from the understanding between Russia and Germany? Will the German-Russian alliance bring Japan and Russia nearer or merely drive Germany and Japan further apart?

U. S. A. shares with Japan the naval domination of the Pacific; and it is as likely as any power to achieve aerial control also. U. S. A. has shown in no uncertain manner its desire to interpret the Monroe doctrine as embracing South America as well. The present war in Europe is wearing down American isolationism. What is the future of active co-operation—

economic and strategic—between U.S.A. on the one hand and, on the other, (1) the British Commonwealth of Nations and (2) the South American republics?

Since there are so many interests involved in the Far Eastern Question it is obvious that any practical settlement must be multilateral. There then arises the question of the guarantee behind such a settlement. No such guarantee appears possible until international gangsterdom is rooted out and the sanctity of treaties becomes again a living force. The aim of civilized mankind should be the improvement of international relations by economic adjustment rather than the pursuit of an insane economic nationalism to the accompaniment of an armaments race. But this is much more than a Far Eastern question.

2

THE OPIUM PROBLEM

BY

SALIG RAM NIGAM, B.A. (HONS.), M.A.,
Research Scholar, Lucknow University.

Opium which was considered as the hand of God in the alleviation of pain and human suffering in the times of early Greeks has degenerated into a potent danger to the life of nations. It has ruined big nations like China. The political disturbance in the Far East has worsened the situation. To-day the problem before the World is to stamp out the opium menace from the surface of the earth. This can be brought about by limiting the opium production, to the scientific and medical requirements of the world, by International action.

3

THE MANDATES SYSTEM: ITS ORIGIN, NATURE AND WORKING

BY

SUSHIL CHANDRA SINHA,
Research Scholar, Lucknow University.

The legal conception of the mandate. J. J. S. Wharton's definition. The application of the mandate principle in

international politics in relation to cases such as the Lebanon (1860), Samoa (1887), Crete (1898), Manchuria (1905), Morocco (1906). The humanistic movement of the Renaissance, the liberal ideas of the French Revolution and Industrial Revolution as factors in the evolution of the system. The progress of commercial exploitation and humanitarianism in juxtaposition—a necessity. This necessitated a mutual agreement between the powers for the benefit of all concerned. The result was the General Act of Berlin and the Brussels Conferences of 1890 and 1899. The declarations of the leading statesmen of the U.S.A., Great Britain *etc.* emphasized paramountcy of native interests. The Paris Peace Conference was faced with contradictory issues. Joint administration of old pattern was rejected outright. The past declarations of the Allied statesmen put the annexation idea at a discount. Influence of Wilson's speeches was profound. His programme "opened up a world of hope" (Czernin). General Smut's hand in the establishment of the mandate-article of the League. The 3 categories of mandates. Difference between B and C mandates.

The League supervision over the mandated territories. The mandates' commission is the real centre of League administration over the mandates. The constitution, powers and functions of the P. M. C. The achievements of the Commission. Its questionnaire. Its observations have generally influenced the decision of respective governments. The P. M. C. has criticised the local administrations on various occasions, has appreciated the steps taken towards the amelioration of the condition of the natives, particularly native labour, health, sanitation, medical facilities, land tenure, and has advocated gradual native participation in administration.

The result of the activities of P. M. C. has been to elevate the standard of life of the native population and to make them see the benefits of modern civilization. Compulsory labour has been confined to narrow limits. The problems of welfare and wages, health and dieting have been tackled. There is a large number of research institutes engaged in the study of African problems. The problems of water supply, the types and effects of soil erosion, the principal diseases in Africa, organization of health services, all have been taken in hand. Native co-operative organizations and railway and transport facilities have been provided. There has been a gradual increase in population as well. Education has not been neglected. The number of

commercial undertakings has increased considerably. The chief object served by the Commission is the publicity given to mandate administration. It helps in setting up higher standards of colonial administration. However, serious political disturbances such as the Bondelwartz Affair, the Syrain revolt, the riot in Western Samoa, the communal disturbances in Palestine, cast a reflection on the whole mandate administration. The constitution of the P. M. C. requires a drastic modification. The members must belong to non-colonial powers. The members should be allowed to visit the places personally. It is better if a separate Mandates' organization like the I. L. O. is set up. As regards the future of the mandates' system, the whole process of government is in the melting pot in the face of German blitzkrieg and Lebensraum. However, its merits have been amply demonstrated. Iraq has been made almost independent. The freedom of Syria is inevitable. The British Government should hasten matters in Palestine. It is in the interests of all concerned, if a confederacy of Iraq, Syria and Palestine with defence against foreign invasion as common subject, is formed to safeguard their independence. Local affairs should be dealt with independently. The population being mainly Muslim, there will be real harmony of interests. As regards B and C class mandates, it is hazardous to make them independent under existing circumstances. However, natives should be allowed to participate in administration.

4

PEACE AND COLLECTIVE SECURITY

BY

V. S. RAM & P. N. MASALDAN, M.A.,

*Lucknow University.**A. The Problem Stated*

War is a complex phenomenon and has many causes such as economic and political imperialism, narrow nationalism, grievances of political minorities and irredentism, armaments; and masochism, sadism and animism in the individual. How to abolish these hindrances to international peace, so that war may become unnecessary and impossible, is the problem.

B. Some suggested solutions examined:

(1) The Pacifist.—Their arguments are pre-eminently moral. They are against all wars and recommend immediate disarmament, even unilateral, by states and non-participation in war by individuals. But it neglects realities, for the success of the pacifist solution requires a very high morality among all men which is non-existent in the present-day world.

(2) The Marxist.—According to Marxism the causes of war are rooted in the capitalist mode of production of wealth. It holds wars inevitable in a capitalist order of rival imperialisms, so that the world can get rid of wars only when it abolishes capitalism from the face of the earth, of which, however, there seems to be no immediate prospect.

(3) The Revisionist.—This School believes that if wars are to be avoided they should be made unnecessary by providing pacific means for securing changes in the world and redress of grievances. But this doctrine looks at the problem of peace from a purely European angle and aims at avoiding inter-imperialist wars only. It immorally assumes the continuation of a vast portion of the world as colonies.

C. Proposals

The world should agree to the abolition of colonies and dependencies which is essential for avoiding imperialist and inter-imperialist wars. Extension of economic concessions to "have-nots"—in the fashion of the Mandate system—will not do, and will not check the antagonism between the exploited and the exploiters. The cultural and economic rights of the minorities must be protected by an improved international machinery. Disarmament will have to be absolute, for partial disarmament will always retain dangerous potencies; absolute disarmament is also an easier course. For disarmament, nations require an alternate means of defence which must be collective security. There must be a clear definition of aggression, and third party judgment easily available, to enforce which, the institution of an international authority with a military force, international in character, is essential. The international army, which need not be very large in a disarmed world, must be stationed at different strategic centres. An elaborate code of international law should be developed in course of time. The collective security system should include the majority of states, and no nation should be

disallowed to join it, for its success depends upon the extent to which it includes potential opponents. This new system should replace the 1919 League. But a scheme of collective security can be realised only when the philosophy of the nation-state is corrected by educational methods which should be used for the creation of an international morality. The psychology of the individual will also have to be moulded differently.

5

UTOPIA OR REALITY: AN EXAMINATION OF PROFESSOR
CARR'S THEORY OF THE NATURE OF INTER-
NATIONAL RELATIONS

BY

V. K. N. MENON, M.A. (Oxon.),

Lucknow University.

(Published in this number pp. 384—389)

6

THE MONROE DOCTRINE

BY

N. KASTURI, M.A., B.L.,

Mysore University.

After a brief summary of the conditions that produced the declaration of the Monroe Doctrine, the paper deals with (1) the recognition of the Doctrine by European powers and the Covenant of the League of Nations and (2) the opposition of the South American republics. These tendencies led to the clarification of issues and the political experiment of Pan-Americanism. The rise of Totalitarianism in Europe brought about conditions similar to those which originated the Doctrine in 1823 and to an intensification as well as modification of the Doctrine. The paper concludes with an examination of the validity of expressions such as East Asian Monroe Doctrine and European Monroe Doctrine.

7

ESSENTIALS OF A WORLD FEDERATION:
A CRITICAL EXAMINATION

BY

B. M. SHARMA, M.A., B.Sc., LL.B., Ph.D., D.Litt.,
Lucknow University.

In this paper an attempt has been made to trace the steps and causes leading to the outbreak of the present world conflict (as a result of the course of international relations) since the signing of the treaty of Versailles. The rise of Fascism and Nazism and the formation of the Rome-Berlin-Tokio triangle are events that followed the Kellogg Pact and the Briand Project for a federal Union of European States. The causes of the division of World Powers into two hostile groups are the lust for colonial possessions and unwillingness on the part of the *Haves* to set free their dependencies which, as the place of supplying raw materials, have become the object of prey, of the *Have-Nots*.

It is also shown how the recently started movement for the formation of a Federal Union of 14 democracies, supported by lovers of peace in England, is likely to result, if it is ever formed, into another alliance against which the Fascist States, outside its pale, might form a strong opposing camp. This will lead to a world-conflict in another form.

The reasons advanced by Streit and others in favour of the Federal Project have been stated and analysed to show how far they can successfully contribute to the establishment of better international relations. The views of Curry and Wilson, of H. G. Wells and Gandhi, in regard to the problem of international security and peace have also been stated and examined.

The essential principles of federalism, like the existence of real democratic units, the voluntariness to unite, the existence of an intense desire to do justice to all units and the contiguity of the units, etc., have all been stated. It is then shown that neither the so-called democracies are true democracies nor are they likely to forego the vast international advantages they have secured. It has been concluded that the movement for a World Federal Union, by an early formation of a federation of the 14 democracies, will remain a myth like so many other movements, for it is impracticable and too Utopian, ignoring the hard realities of human nature and the grim facts of the psychology of victorious nations.

The paper ends with discussing an alternative to the federal plan, for securing international amity. Wars cannot be eradicated; they can, however, be minimised, made less frequent and less tragic. That alone is possible and this can be done by either reforming and reorganising the present League machinery or by replacing it by some other international machinery with a similar objective. For U.S.A. will not give up the Monroe Doctrine; England will not surrender her Empire or the key positions on the globe; while Japan will pursue her own policy in Asia. A plea is then made for the liberation of subject nations and peoples as a first step towards improving international relations.

NOTICE

The New Year of the Association began on January 1st, 1941. Kindly send your Annual Subscription of Rs. 10/- (by cheque Rs. 10/4/-) at your earliest convenience. The life-membership fee is Rs. 100/- and I shall be glad if you will agree to become a life-member by sending me a cheque for Rs. 100/4/-. In case your subscription is not received before the 31st March, 1941, the constitution of the Association requires that the next issue of the journal be sent per V.P.P. Please note and send the subscription as early as possible.

The Fourth Conference of the Association will be held at Bombay either at the end of December, 1941, or early in January, 1942 (the exact dates will be announced later) under the Presidentship of Dr. V. S. Ram, Professor of Political Science, Lucknow University.

The subjects for discussion shall be:—

- (a) Medieval Political Theories.
- (b) Constitutional Development and Constitutional Law of British India.
- (c) Economic Activities of the State.

Papers not exceeding 10 typed ~~Toolscap~~ pages should reach Dr. V. S. Ram, Lucknow University, Lucknow, before November 10th, 1941. *A Brief synopsis should accompany the paper and both must reach Lucknow before the 10th November.* This is most important.

Members are requested to write papers and make it a point to attend. *It may be noted that papers which do not fall within the scope of the subjects selected and which do not reach Lucknow before November 10th, 1941, will not be accepted.* The Indian Economic Conference will also be meeting at Bombay and the dates and times will be so arranged that persons can attend both the Conferences if they so desire.

A member of the Association can attend the Conference without making any extra payment. Non-members can attend the Conference, read papers and participate in discussions on payment of a fee of Rs. 5/-. *Bona fide* students can attend on payment of Rs. 2/- only.

All those interested in the study and advancement of Political Science are requested to become members of the Association.

Yours Sincerely,
GURMUKH NIHAL SINGH,
Secretary & Treasurer,
Indian Political Science Association.
H. L. College of Commerce,
AHMEDABAD.

19. 1. 1941.

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